curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Tuesday, August 23, 2022 2:18 PM
To: ClerkList
Subject: [EXTERNAL SENDER] [ClerkList] ClerkList

Greetings!!

I have been informed that there were some questions that arose at the recent County Clerks Meeting in terms of the administration of the ClerkList. I have never charged separately for this service and have made it available to all County Clerks, regardless of a business relationship with NM Clerk (previously) or Vandelay Solutions (today). I am available anytime anyone has any questions regarding the use and administration of the ClerkList — just ask!!

I started the ClerkList in late 2008 to facilitate communication among County Clerks, Chief Deputies, and key staff. Over the last 14 years, I have respected the discretion of each elected County Clerk to determine who should be on the clerkList from each County. For some Counties, that means only the County Clerks and Chief Deputy, while for other Counties it includes a variety of other staff people in the office. The determination is made by the County Clerk of the County, and I merely comply with their direction.

A few years ago, one County Clerk decided she wanted to allow a former staff person who had retired to remain on the list. Respecting the wish of that County Clerk, I kept the retired staff person on the list. This apparently caused some consternation — which was understandable since the person was no longer in the office. Since that County Clerk termed out, the retired staff person was also removed from the ClerkList, and the new rule is that I will put anyone who works in the office on the ClerksList at the request of the County Clerk of that County. There is no one on the ClerkList other than County Clerks, Chief Deputies, and their selected staff.

On occasion, Ernie Marquez or other vendors have wanted to post an announcement on the ClerkList. While I have allowed pertinent information to be posted, no vendor has had access to the emails on the ClerkList.

The other rule with the ClerkList has been to keep it to work-related business. In the past we had a couple people who wanted to forward cute memes and other non-work-related information to the ClerkList. They were advised that is not the purpose of the ClerkList and oil recent years we have been pretty good about keeping the emails to those matters related to the work of the County Clerk's Office.

Also, as a reminder, while the administrative side of the ClerkList is not subject to IPRA, the emails go to government-owned email accounts, so all messages are open to being IPRA'd from any County Clerk's Office.

At any rate, I hope this clarifies some of the issues that are at the Clerk's Meeting. Again, I am happy to respond to any questions about this and will gladly review with any County Clerk who is on the list from your County.

-- Daniel.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Friday, November 4, 2022 3:19 PM
To: ClerkList
Cc: Andrea Levien; Vigil, Mandy, SOS
Subject: [EXTERNAL SENDER] [ClerkList] FW: ATTN: NM Public Records Request

Greetings!!

Most or all of you should have received the public records request attached to this email.

Regarding this public records request:

1) I have spoken to their attorney, Andrea Levien, who is listed in the request (and copied on this email). For now DO NOT respond to this request. I think most of the information they are requesting they will be able to get centrally through the Secretary of State's Office. Once I circle back with the SOS and Ms. Levien, I will let you all know what information they still need, if any, and depending on the specifics you may get a revised request from Jordy Ziegler.

2) In response to this request, some of you had sent the form for a special voter list. The Absent Ballot Register is not a special voter list and that form should not be used for Absent Ballot Register requests.

3) Per the provisions in Section 1-6-6, we do not provide copies of the Absent Ballot Register to members of the public. Per Subsection C: "Each ballot register is a public record open to public inspection in the county clerk's office during regular office hours. The county clerk shall have an updated ballot register available for public inspection Monday through Friday during regular office hours." Any member of the public who requests information regarding the Absent Ballot Register is free to personally appear on your office to view it, but they cannot make copies and we do not send out copies.

4) However, when it comes to qualified political parties within the state or candidates, Subsection F provides: "If the county clerk has available the technology to do so, at the request of a candidate or chair of a political party of the county, the county clerk shall electronically transmit to the candidate or chair via the internet the information, when updated, on the absentee ballot register indicating voters who have requested absentee ballots, returned their absentee ballots or voted early in person." Note that under this provision for electronic transmission, copies are provided "when updated" which at the very least means daily, and for big aunties may be more often than that.

5) Finally, just a reminder to everyone that Section 1-6-14(J) provides: "If a mailed ballot is rejected for any reason, it shall be handled in the same manner as a disqualified provisional paper ballot in accordance with the Election Code." This means that we send each person whose male ballot is rejected a letter stating the reason for the rejection and the opportunities to cure and to appeal. The administrative code allows a person to cure up to the time of and at the appeal for a

rejected mailed ballot or disqualified provisional ballot.

Please let me know if you have any questions regarding this email. I'll be happy to walk anyone through the carious provisions.

-- Daniel.

---------- Forwarded message ----------
Date: Nov 4, 2022 at 12:27 PM -0600
To: DGA Records <recordsrequest@dga.net>

November 4, 2022
Re: Request Pursuant to New Mexico Inspection of Public Records Act, N.M. Stat.Ann. §§ 14-2-1 et seq.
Dear Sir or Madam:
Pursuant to N.M. Stat. Ann. §§ 14-2-1 et seq., and on behalf of the Democratic GovernorsAssociation, I request the following information and data in connection with the November 8,2022, general election:
1. Copies of the absentee ballot register, per N.M. Stat. Ann. § 1-6-6.
2. The names and addresses of all individuals (and all data associated with each individual)whose absentee ballot has been rejected, per N.M. Stat. § 1-6-14(B). For each suchindividual, please also provide the reason(s) the ballot was rejected.
3. The names and addresses of all individuals (and all data associated with each individual)whose absentee ballot was challenged by an appointed challenger, along with (i) thestatutory basis for each challenge, per N.M. Stat. § 1-6-14(C), and (ii) an indication ofwhether the challenge was upheld or rejected, per N.M. Stat. § 1-6-14(D).
4. Copies of all notifications to absentee voters that their absentee ballot was rejectedand/or challenged by an appointed challenger.
If documents, information, or data can be e-mailed, please email them toRecordsRequest@dga.net . If documents, information, and data cannot be emailed, please let usknow, either via e-mail or phone, and we will send someone to your office to pick them up.Please inform us immediately as to the format of the records. Where applicable, electronicformats of documents (e.g., .txt, .xls, .xlxs, .csv, .dbf) are preferred.
Please consider this request ongoing, renewing daily beginning November 4, 2022, andrecurring through November 23, 2022. If your position is that such a recurring, daily request isnot possible in this circumstance, and that we must submit a request each day if we require dailyupdates, please inform us of that position immediately. Please indicate whether, despite beingunable to comply with part of the request, you are still able to comply with other parts of therequest.
Please inform us of any charges associated with these requests and the method of paymentrequested.
If you have any questions or concerns, please do not hesitate to contact Andrea Levien at 202-968-4557 or alevien@elias.law.
Sincerely,
Jordy ZieglerDemocratic Governors Association1225 Eye St. NW, Suite 1100Washington, DC 20005

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Monday, November 14, 2022 8:25 AM
To: ClerkList
Subject: [EXTERNAL SENDER] [ClerkList] Fwd: FW: Public Records Request for Union County Election Records

Greetings!!

Many if not all of you have received the public records request, below.

1) I am working with the Secretary of State's Office to get them to give guidance on which parts of this records request may be honored, based on the restrictions in Section 1-12-70.

2) However, pursuant to Section 1-12-69(G), no public records request seeking "records related to voting are exempt from the Inspection of Public Records Act until forty-five days following any recount, contest or other judicial inquiry or until forty-five days after adjournment of the state or county canvassing board, whichever is later."

3) It is a County decision as to whether this re4quest should be denied for being made during the blackout period or held until the blackout period ends. Please check with your County attorney regarding this. In my experience, after the passion of the election is over a lot of people are no longer interested, so either denying with an invitation to re-request or holding this with a request that after the blackout period they reaffirm that they still want the information may be the most efficient way to go. Either way, I am working to get guidance as to what may be disclosed.

If anyone has any questions regarding this issue or any other matter while finalizing your county canvass reports, do not hesitate to reach out.

-- Daniel.

---------- Forwarded message ----------
Date: Nov 10, 2022 at 8:44 PM -0700
To: Cynthia Lujan <cindylu65@gmail.com>

Dear Clerk/Records Keepers

In accordance with the New Mexico Public Records Act, NMSA 1978,

This request is for the Union County Cast Vote Record from
- the Primary Election held on June 7, 2022 AND
- the General Election held on November 8, 2022 on the first day it is available for the public.

These records should include the following fields as a minimum:

CVR Record #
Timestamp
Tabulator ID
Municipality
Precinct
Batch ID
Record ID
Counting Group
Session Type
Ballot Type ID
Paper Index
Contest
Candidate
Undervotes
Overvotes
Mark Density

NOTE: I am NOT requesting information that identifies a specific voter.

NOTE: I am NOT requesting a summary report of votes, I am requesting a per-ballot report. This information is sometimes known as a Cast Vote Record (CVR), 'ballot log', or a 'summary of ballots'. If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files.

I would prefer the files in .JSON format but if that is not possible, then the tabular format will be acceptable.

I would like the records to be submitted to me electronically via email attachment. If you have any questions or concerns, please feel free to contact me.

Thank you,
Cynthia Canner

590 E Frontage Rd
San Acacia, NM 87831
(505) 263-1274

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Tuesday, November 8, 2022 5:42 AM
To: ClerkList
Subject: [EXTERNAL SENDER] [ClerkList] General Election Day 2022

Good Morning!!

I don't think I have been involved in an election where so many people wanted the election system itself to fail. Other than rooting for one's favorite candidate, the next loudest voices are rooting for our failure.

At my Mother's memorial service, one of the stories told got people's attention. My Mother — having survived the Cuban revolution and witnessing firsthand much violence as a result — was a conscientious objector and a pacifist. These personal thoughts and feeling became public when she took the citizenship exam in the early 70's while we were living in the state of Illinois. For those who remember your history, the trial of the Chicago 7 was going on when my Mother, in Chicago, answered "No" to the question of whether she would bear arms defend this nation. (Note: I'm trying to tell a story about my Mom here, not to get into philosophical or political debates…). Her application was delayed by over a year while she was investigated. The final decision was that she was legit and should still become a U.S. citizen. She was summonsed to the back room of a federal court house with six other problem people, sworn in as a citizen by a judge who didn't want to be there, and ushered out the back door. Yet you couldn't find anyone who loved and appreciated this country more than my Mother. My devotion to the process of elections and the joy I get from serving you come from the lessons I learned from my Mother.

Yes, there are people whop are rooting for us to fail. But failure is not an option. You got this! I love how much you are all here for each other, as am I. Today will be a great day and will proceed spectacularly! And if way hiccups happen along the way, I am here for you, too. On duty 24/7 until the last ballot is canvassed.

Happy General Election Day 2022!!

-- Daniel.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Thursday, September 1, 2022 3:34 PM
To: ClerkList
Subject: [EXTERNAL SENDER] [ClerkList] IPRAs

Greetings!!

Just to let everyone know the County Attorney's just had a call to discuss the deluge of election-related IPRAs that each County is receiving. They very generously invited me to participate in their call.

An idea which was floated and which the attorneys are to follow up on within each County was having New Mexico Counties (with the approval of their Board) bring a case on behalf of all the Counties to get clarity from the Courts as to what information needs to be provided from these various IPRAs. I think it has promise. Each of you should reach out to your County Attorney to let them know your feelings on this.

The Attorneys are planning a follow-up call next week on Wednesday or Thursday to finalize a plan.

Hopefully help is on the way!!

-- Daniel.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Wednesday, August 17, 2022 9:52 AM
To: ClerkList
Subject: [EXTERNAL SENDER] [ClerkList] Public Records Request Follow-Up
Attachments: Voter Psychology Public Records Request Response 2022-08-16.docx

Greetings!!

For those that may have missed the template I shared yesterday, I am re-attaching it to this email.

In addition and by way of clarification, there are a few Counties that have run a Cast Vote Record for one or more of the elections sought. If you have that record, you must provide it in response to this IPRA request. However, if you have not run the report, you are not required to create the report at this time. This will result in some inconsistency in the responses from Counties, but the law is clear that if you the report, you need to provide it, and the law also provides that you are not required to run a report to create a record in response to an IPRA.

Please feel free to follow up with me if you have any questions or comments regarding this technical assistance, by Replying to this email on the ClerkList, by emailing me directly at: Daniel@Vandelay.Solutions, or by voice or text at: (505) 620-2085.

— Daniel.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

Yehuda Miller
140 Merrison Street
Teaneck NJ 07666

Re: Voter Psychology Public Records Request.

Dear Mr. Miller:

This letter is to acknowledge receipt of your public records request received on August 16, 2022.

In Part 1 of your request you asked for:

> I am requesting a text, comma, or tab delimited file, or a text-based report, listing, in the
> sequence processed by the county, every ballot, its sequential ID, its timestamp, its
> method of voting (for example: in-person, mail-in, provisional, absentee, "other", etc. –
> any and all ballots that were tabulated as part of the following elections
> • 2015 General and Primary election
> • 2016 General and Primary election
> • 2017 General and Primary election
> • 2018 General and Primary election
> • 2019 General and Primary election
> • 2020 General and Primary election
> • 2021 General and Primary election
> • 2022 Primary election),
> the specific votes contained for all races, and the batch ID and tabulator ID. Should any
> fields not be available, please include the fields which are. To be clear, I am NOT requesting a summary report of votes, I am requesting a per-ballot report. This set of
> information is sometimes known as a "Cast Vote Record" (CVR), "ballot log", or a "summary of ballots". If the data exists as multiple files or reports, for instance by batch or by precinct, you do not need to aggregate them, please send the individual files.

The County is not in possession of the reports you seek, and pursuant to the Section 14-2-8(B) of the New Mexico Inspection of Public Records Act: “Nothing in the Inspection of Public

Records Act shall be construed to require a public body to create a public record." Please be aware that New Mexico does not use the cast vote report for its canvassing process and pursuant to Section 14-2-9(b), "a custodian is only required to provide the electronic record in the file format in which it exists at the time of the request." Accordingly, there are no responsive documents to this request.

In Part 2 of your request you asked for:

> I am also requesting the Ballot Manifest Report (also known as the Tabulator Batch Report) for all ballots included the tabulation of the results of the Nov. 3, 2020 general election. This report should include the information that specifies the method by which each ballot was cast. (ie: in-person, by-mail, provisional, absentee, etc.)
> I am hopeful that there is someone within the (County) County Elections Commission or Board of Elections who will be able to generate the reports I am looking for.

The County is not in possession of the reports you seek, and pursuant to the Section 14-2-8(B) of the New Mexico Inspection of Public Records Act: "Nothing in the Inspection of Public Records Act shall be construed to require a public body to create a public record." Please be aware that New Mexico does not use the ballot manifest report for its canvassing process and pursuant to Section 14-2-9(b), "a custodian is only required to provide the electronic record in the file format in which it exists at the time of the request." Accordingly, there are no responsive documents to this request.

There being no responsive documents to either part of your request, this letter fulfills our responsibility in responding ko your public records request and this file is closed.

Sincerely,

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Thursday, October 6, 2022 3:10 PM
To: ClerkList
Subject: [EXTERNAL SENDER] [ClerkList] Status of Discussions on Election-Related IPRAs

Greetings!!

Just wanted to give everyone an update o the status of the discussions on the various election-related IPRAs.

The County Attorneys have had a couple meetings on this issue this week. There is still no consensus on how everyone should respond in unison, and there remains a diversity of opinions regarding if the information requested in these IPRAs should be disclosed or not. They are still discussing and will circle back next week as a group.

In the meantime, until the group decides on a unified path, please consult with your particular County Attorney on how to respond to these IPRAs. This will result in different responses from different Counties, but just as each of you has to respond to your own constituents on issues, each County Attorney in good faith needs to represent the interests of the County which the Attorney represents.

I am hopeful we will figure out a unified path soon, and continue to engage with them on this issue.

-- Daniel.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Friday, September 16, 2022 4:02 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4420] [EXTERNAL] Redistricting Notice/ VIC

Ticket closed by Charles Romero.

On May 24, 2022 @ 04:42 pm, Charles Romero wrote:

Annie,

The notices started sending several weeks ago. Let me see if i can get a status for Curry County.

Thank you,

Charles R

Ticket History

On May 24, 2022 @ 04:41 pm, Charles Romero wrote:

Assigned to Charles Romero.

On May 24, 2022 @ 04:19 pm, ahogland@currycounty.org wrote:

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.
Asking again... We just want to be prepared for phone calls from voters, etc.

Thank you!
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

---------- Forwarded message ---------
From: Annie Hogland
Date: Thu, May 19, 2022 at 4:55 PM

Subject: Redistricting Notice/ VIC
To: SOS CLERKS EMAIL

Good Afternoon,

Can you tell us if the Redistricting Notice went out to Curry voters yet?

Thank you!
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On May 19, 2022 @ 04:59 pm, ahogland@currycounty.org wrote:

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

Can you tell us if the Redistricting Notice went out to Curry voters yet?

Thank you!
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4420

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Monday, August 8, 2022 3:57 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4819] [EXTERNAL] Re: [EXTERNAL SENDER] General Election School - Volunteers Needed

Ticket closed by Suzanne Hursh.

On Aug 08, 2022 @ 03:56 pm, Suzanne Hursh wrote:

Ticket closed.

Ticket History

On Aug 08, 2022 @ 03:51 pm, Suzanne Hursh wrote:

Hi Annie,

Just closing some older tickets and wanted to thank you for participating in the county communications panel at school! The informatio

Thanks again,

Suzanne Hursh

Training Specialist

On Jul 25, 2022 @ 04:33 pm, Charlotte Chinana wrote:

Assigned to Suzanne Hursh.

On Jul 25, 2022 @ 04:19 pm, ahogland@currycounty.org wrote:

Attachment:

On Jul 25, 2022 @ 04:19 pm, ahogland@currycounty.org wrote:

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

If you don't have enough volunteers, or different volunteers from last election school, I'm willing to participate on the panel regarding

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Mon, Jul 25, 2022 at 2:01 PM Vigil, Mandy, SOS wrote:

Hello Clerks and BOE staff,

We are looking for volunteers to participate in two different panel presentations during 2022 General Election School. These will be he
nmclerks@state.nm.us.

· Intra-County Communications: a conversation on sharing information and building relationships within your county (i.e. with County

· County Innovations: a conversation regarding successful projects in your county that seek to improve voter education and outreach,

Some of our highest-rated sessions are the Clerk/BOE Panels, and your participation makes it happen, so please consider participating

Thank you,

Mandy

Mandy Vigil | Election Director

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Desk: 505.827.3617 | Cell: 505.660.4045

mandy.vigil@state.nm.us

Follow us on Facebook
(https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FNMSecOfState%2F&data=05%7C01%7C
WwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=gWighKweVcCDH2J5ldQC5UL4N5fRWrbm4s75njjP9WU%3D&reserved=0) + Twitte
(https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FNMSecOfState&data=05%7C01%7Cnmclerks%4
Mn0%3D%7C3000%7C%7C%7C&sdata=ABSywmA1Dt5ShRA0eUBtxufl%2FGtPUaw4f8LlnLweWkQ%3D&reserved=0)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4819

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Thursday, December 1, 2022 12:07 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4833] [EXTERNAL] MVD Registration

On Dec 01, 2022 @ 12:06 pm, Charles Romero wrote:

Annie,

Let me see if we have any way of obtaining the screenshots of the process people take when they are at the MVD. Maybe this might help us better understand what happened.

Ticket History

On Dec 01, 2022 @ 11:55 am, Charles Romero wrote:

Assigned to Charles Romero.

On Nov 02, 2022 @ 08:58 am, Daniel Aragon wrote:

Unassigned.

On Aug 09, 2022 @ 04:57 pm, ahogland@currycounty.org wrote:

We assisted the voter's daughter in cancelling the record. Will there be any follow-up with the MVD, locally or at the state level from your office? Have any procedures or software changes that we need to be made aware of?

This is a serious issue, which is why I reported it.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Aug 09, 2022 @ 04:08 pm, Felecia Valdez wrote:

Hello-

Sorry for the delayed response. Did you still need assistance at this time?

Thank you

On Jul 28, 2022 @ 01:40 pm, Charlotte Chinana wrote:

Assigned to Felecia Valdez.

On Jul 28, 2022 @ 01:39 pm, ahogland@currycounty.org wrote:

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

We had a concerned voter call this afternoon, and I wanted to see if you could follow up with MVD regarding the situation.

The voter stated she assisted her grandmother at the MVD to get an ID card; unfortunately, her grandmother is suffering from dementia, and she is the POA.

She said she DID NOT request registering her grandmother to vote, and was shocked when they received a Voter ID Card in the mail, which included a political party. Please see voter ID 160299515.

Of course, we have assisted her in getting a voter registration cancellation form. However, we too share concerns with how this was handled at the MVD. The voter was registered on 6/6/22 at Clovis, NM MVD (Agency Code 05A).

If you recommend I contact a supervisor there, or in SF with MVD, please let me know.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4833

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Wednesday, August 10, 2022 8:36 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4861] [EXTERNAL] Request for VIC Stock and VRA Forms

Ticket closed by Charlotte Chinana.

On Aug 10, 2022 @ 08:35 am, Charlotte Chinana wrote:

Ticket closed: Good morning, Annie!

Our finance team will work on processing this request; thank you, and have a lovely dday!

--

Charlotte Chinana

Deputy Elections Director

(505) 827-3623

Ticket History

On Aug 10, 2022 @ 08:35 am, Charlotte Chinana wrote:

Assigned to Charlotte Chinana.

On Aug 09, 2022 @ 06:12 pm, ahogland@currycounty.org wrote:

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

The Curry County Clerk's office is requesting the following:

1) 5,000 sheets of Voter Information Cardstock
2) 50 Voter Registration Agent Identification Forms (NMVR-5)

Please let me know if you have any questions or concerns.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4861

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Friday, August 12, 2022 10:55 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4887] [EXTERNAL] Re: [EXTERNAL SENDER] Election Readiness Check-ins & An FYI RE: Voter ...

Ticket closed by Charlotte Chinana.

On Aug 12, 2022 @ 10:54 am, Charlotte Chinana wrote:

Ticket closed: Hi Annie,

Thank you for sending your preferred times; I just sent you a calendar appointment for Wednesday, August 17, 2022 @ 10:00am. Pleas

--

Charlotte Chinana

Deputy Elections Director

(505) 827-3623

Ticket History

On Aug 12, 2022 @ 10:54 am, Charlotte Chinana wrote:

Assigned to Charlotte Chinana.

On Aug 12, 2022 @ 09:57 am, ahogland@currycounty.org wrote:

Attachment:

On Aug 12, 2022 @ 09:57 am, ahogland@currycounty.org wrote:

Attachment:

On Aug 12, 2022 @ 09:57 am, ahogland@currycounty.org wrote:

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

We (Curry) are available from 9-11 and 2-4 on Wednesday the 17th... Please let me know if there are time slots open in those time fram

Thank you!
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Thu, Aug 11, 2022 at 2:19 PM Chinana, Charlotte, SOS wrote:

Good afternoon,

Please take a moment to review the attached documents (Election Readiness Checklist and Attestation of Districts), and the dates/time

We will do our best to accommodate folks; if the times you select are no longer available, we'll reach out with some options (please not

Once the appointment time is confirmed, a member of our team will send a confirmation email that will contain a link to the zoom me

In addition to the readiness check-ins, I will be sending a separate email to each county with the "out of precinct" voter list, as well as th

****

Lastly, many of you may be receiving inquiries from voters in your county about the Voter Reference Foundation and the recent court r
voters who may have questions: https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/rumor-vs-reality/ (https://

****

If you have any clarifying questions, please let us know. Have a lovely day!

--

Charlotte Chinana | Deputy Elections Director

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe NM 87501

Cell: (505) 819-7623 | Desk: (505) 827-3623

charlotte.chinana@state.nm.us

Follow us on Facebook
(https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FNMSecOfState%2F&data=05%7C01%7C
wiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Eax7mImt4Ix8KPk6VhOv9jziPes5%2FvzPkZbL1o0U5Gs%3D&reserved=0) + Twitter
(https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FNMSecOfState&data=05%7C01%7Cnmclerks%40
n0%3D%7C3000%7C%7C%7C&sdata=siCIDgv7mGsnqiLUpf6oEh4nT6WlG%2BBz8kg36qT7cmk%3D&reserved=0)

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4887

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Friday, August 12, 2022 11:22 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4889] [EXTERNAL] Business Reply Mail Postage

Ticket was assigned to Charlotte Chinana.

On Aug 12, 2022 @ 11:21 am, Charlotte Chinana wrote:

Good morning, Annie --

I sent this over to the finance team to provide some clarity; we'll be in touch as more info becomes available. Thank you!

--

Charlotte Chinana

Deputy Elections Director

Ticket History

On Aug 12, 2022 @ 11:21 am, Charlotte Chinana wrote:

Assigned to Charlotte Chinana.

On Aug 12, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

Attachment:

On Aug 12, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

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

We received the attached notice in the mail regarding the elections BRM. Can you all confirm that this has been taken care of? Or, is this something we need to pay.. We have not done so in the past, but I want to be sure we have no issues receiving elections mail through the BRM.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4889

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Friday, August 12, 2022 11:18 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4889] [EXTERNAL] Business Reply Mail Postage
Attachments: BRM Invoice 2022.pdf

On Aug 12, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

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

We received the attached notice in the mail regarding the elections BRM. Can you all confirm that this has been taken care of? Or, is this something we need to pay.. We have not done so in the past, but I want to be sure we have no issues receiving elections mail through the BRM.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

Ticket History

On Aug 12, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

Attachment:

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4889

UNITED STATES POSTAL SERVICE®

BRM FEE RENEWAL NOTICE

AUGUST 20, 2022

JOSE BACA
BMEU CLERK
1224 W 21ST ST
CLOVIS NM 88101-9998

SOS CURRY COUNTY CLERK
ANNE HOGLAND
417 GIDDING ST UNIT 130
CLOVIS NM 88102-2208

Dear ANNE HOGLAND

Your privilege to receive Business Reply Mail will expire on the date shown below. If you plan to continue using your existing privilege(s), the BRM annual fee and/or BRM annual account maintenance fee(s) noted below must be paid prior to the indicated due date(s). If the BRM annual fee was paid at another Post Office™, please submit a copy of the Form 3544 (Receipt for Money) showing payment of this fee to your local Post Office or BMEU.

FEE TYPE	PERMIT TYPE	PERMIT #	EXP DATE	FEE COST
BRM Annual Maintenance	BR	10240526	10/15/2022	$825.00

02108756000C

If you have paid the annual account maintenance fee shown above, please disregard this notice. It is recommended that fees be paid in advance to facilitate the acceptance of your mailings. Fee payments may be paid up to 60 days in advance of their expiration date. Please return this notice with your payment and/or receipt of payment (PS Form 3544) to the address below:

CLOVIS NW STATION
1224 W 21ST ST
CLOVIS NM 88101-9998

If paying an accounting fee, please make your check payable to POSTMASTER or U.S. POSTAL SERVICE ®. Also, note on your check your permit number and type of service you are requesting. Thank you for your business. We look forward to continuing to serve your mailing needs.

Sincerely,

JOSE BACA
BMEU CLERK
575-763-5556

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Tuesday, August 16, 2022 9:00 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4891] [EXTERNAL SENDER] RE: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Er...

Ticket was assigned to Charles Romero.

On Aug 16, 2022 @ 08:59 am, Charlotte Chinana wrote:

Assigned to Charles Romero.

Ticket History

On Aug 12, 2022 @ 03:22 pm, ahogland@currycounty.org wrote:

Attachment:

On Aug 12, 2022 @ 03:22 pm, ahogland@currycounty.org wrote:

Attachment:

On Aug 12, 2022 @ 03:22 pm, ahogland@currycounty.org wrote:

I still haven't heard anything on this, so I wanted to check in and see what the status is. I have also not heard from the candidate, but h

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

---------- Forwarded message ---------
From: Annie Hogland
Date: Tue, Jul 5, 2022 at 4:33 PM
Subject: Re: [EXTERNAL SENDER] RE: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Error in 9th Judicial DA
To: Romero, Charles, SOS
Cc: Vigil, Mandy, SOS , Chinana, Charlotte, SOS , Lange, Dylan, SOS

Good Afternoon,

My apologies, apparently service was worse than I thought it would be. Mr. Stover came into the office while I was out on Friday. He wa

the process. Although, I am still of the understanding that the guidance provided in the email above, referencing 1-8-7 (C) was the proc

Can you please let me know if you have spoken with the candidate, and if so, was that original guidance correct?

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Fri, Jul 1, 2022 at 11:50 AM Romero, Charles, SOS wrote:

Hello Mandy and Charlotte (CC: Annie and Dylan),

I received a phone call from Ms. Annie in Curry County, and she had some questions about this particular candidate. The below candid
from email at the moment but will weigh in when she gains access shortly.

Thank you,

Charles Romero | Elections Program Coordinator

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe NM 87501

Cell: (505) 819-7628 | Desk: (505) 827-3634

Charles.Romero@state.nm.us

From: Vigil, Mandy, SOS
Sent: Friday, March 11, 2022 2:03 PM
To: Romero, Charles, SOS
Cc: Chinana, Charlotte, SOS ; Hogland, Annie
Subject: FW: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Error in 9th Judicial DA

Hi Charles,

Please remove this candidate from the ballot management screen. They will not run in the primary election.

Thanks,

Mandy

From: Annie Hogland
Sent: Friday, March 11, 2022 1:16 PM
To: Vigil, Mandy, SOS
Cc: Chinana, Charlotte, SOS
Subject: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Error in 9th Judicial DA

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

Good Morning,

Thank you for the update. We marked him as qualified in SERVIS, but have not sent any type of notification (mail/ verbal/ or electronic)

Can I please have some guidance for the following?

Do we mark him "disqualified" in SERVIS, or, shall the race be entirely removed from ballot management? If it is to be removed, can we

Shall we send him a letter reiterating the above statute? Or is that something that will come from SOS?

Thank you,

Annie Hogland

Curry County Clerk

417 Gidding, Suite 130

Clovis NM 88101

(575) 763-5591

(575) 763-4232 (fax)

On Fri, Mar 11, 2022 at 1:07 PM Vigil, Mandy, SOS wrote:

Hi Annie,

We have discovered that the 9th judicial district attorney office was included in the amended proclamation when it should not have be
to NMSA 1-8-13(B), only vacancies occurring the Friday before the first Tuesday in March, which was February 25, 2022, were to be incl
March 1, 2022, after February 25, 2022, must be filled subsequent to the primary election by the central committees of the state politic

I apologize for the confusion this may have created. Please feel free to call me with any questions.

Thanks,

Mandy

Mandy Vigil | Election Director

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Desk: 505.827.3617 | Cell: 505.660.4045

mandy.vigil@state.nm.us

Follow us on Facebook
(https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FNMSecOfState%2F&data=05%7C01%7C
wiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=Q%2BBr5QOOFHRGo6Qr9OYMOvRWMGFQagpG394WnosECEI%3D&reserved=0) +
(https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2FNMSecOfState&data=05%7C01%7Cnmclerks%4
n0%3D%7C3000%7C%7C%7C&sdata=BjtQ5706mvFlCYGIJ%2FmPigvV8wdOsUGd0VfypG24fTk%3D&reserved=0)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4891

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Wednesday, September 7, 2022 2:30 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4968] [EXTERNAL] Curry | 2022 General Election Readiness

Ticket closed by Felecia Valdez.

On Sep 07, 2022 @ 02:30 pm, Felecia Valdez wrote:

Ticket closed: Hello-

This has been saved and filed.

Thank you

Ticket History

On Sep 02, 2022 @ 08:28 am, Charles Romero wrote:

Assigned to Felecia Valdez.

On Sep 01, 2022 @ 07:57 pm, ahogland@currycounty.org wrote:

Attachment:

On Sep 01, 2022 @ 07:57 pm, ahogland@currycounty.org wrote:

Attachment:

On Sep 01, 2022 @ 07:57 pm, ahogland@currycounty.org wrote:

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

Please see attached:
1) SERVIS Election Readiness Checklist for the 2022 General Election
2) Attestation followed by initialed Precinct/District Review

We have not yet locked our election because we are still waiting to hear what action will be taken with the Ninth Judicial District Attorney Contest.

I will be out of the office September 2, but I will have access to email and can call from my cell if necessary.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4968

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Thursday, September 1, 2022 7:58 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4968] [EXTERNAL] Curry | 2022 General Election Readiness
Attachments: Curry 2022 General District Review and Attestation.pdf; Curry 2022 General SERVIS Checklist.pdf

On Sep 01, 2022 @ 07:57 pm, ahogland@currycounty.org wrote:

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

Please see attached:
1) SERVIS Election Readiness Checklist for the 2022 General Election
2) Attestation followed by initialed Precinct/District Review

We have not yet locked our election because we are still waiting to hear what action will be taken with the Ninth Judicial District Attorney Contest.

I will be out of the office September 2, but I will have access to email and can call from my cell if necessary.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

Ticket History

On Sep 01, 2022 @ 07:57 pm, ahogland@currycounty.org wrote:

Attachment:

On Sep 01, 2022 @ 07:57 pm, ahogland@currycounty.org wrote:

Attachment:

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4968

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DISTRICT REVIEW – 2022 GENERAL

ATTESTATION OF COMPLIANCE

By signing below, I, Annie Hoagland (*Print name*) attest that Curry (*County*) County has:

- Reviewed all precinct parts to district relationships in the county;
- Ensured that each precinct part has only one of each type of district associated with it;
- Ensured that each of these district and precinct part associations are correct;

I understand that any changes or corrections needed after my county has signed off on our election project will incur additional costs.

I also understand that any additional costs incurred due to changes or corrections made after my county has signed off on our election project, will be the responsibility of my county.

Signature of County Clerk

8/26/22
Date Signed

Notary Statement:

I, Adrian Ancira, Notary for the State of New Mexico in the County of Curry, confirm that the document was attested before me on 8/26/22.

Signature of Notary

STATE OF NEW MEXICO
NOTARY PUBLIC
ADRIAN ANCIRA
Commission No: 1117886
Commission Expires: June 9, 2025

(Seal or stamp above)

My Commission Expires: 6/9/25

Precinct Parts In Districts

District Type	CONGRESSIONAL
Name	DISTRICT 3
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

District Type	COUNCILOR
Name	CITY COMMISSION DISTRICT 4
County	Curry

Precinct Part

010.4
011.1
012.1
013.1
014.1
015.1
019.1
040.1

County Total: 8

District Total: 8

District Type	COUNCILOR
Name	CITY COMMISSION DISTRICT 1
County	Curry

Precinct Part

017.1
018.2
024.2
035.3
037.1
038.1
039.1
042.1

County Total: 8

District Total: 8

Precinct Parts In Districts

District Type	COUNCILOR
Name	CITY COMMISSION DISTRICT 2
County	Curry

Precinct Part
020.1
021.1
022.1
023.1
026.1
026.2
027.2
028.2
032.1
033.5
041.1
042.2

County Total: 12

District Total: 12

District Type	COUNCILOR
Name	CITY COMMISSION DISTRICT 3
County	Curry

Precinct Part
005.2
006.2
007.1
008.1
009.1
010.3
025.1
031.2
043.1

County Total: 9

District Total: 9

District Type	COUNTY COMMISSIONER
Name	DISTRICT 1
County	Curry

Precinct Part
006.1
006.2
007.1
008.1
009.1
020.1
029.2

County Total: 7

District Total: 7

District Type	COUNTY COMMISSIONER
Name	DISTRICT 2
County	Curry

Precinct Part
011.1
013.1
014.1
015.1
019.1
021.1
023.1
032.1
040.1

County Total: 9

District Total: 9

District Type	COUNTY COMMISSIONER
Name	DISTRICT 3
County	Curry

Precinct Part
003.1
003.2
003.3
010.1
010.2
010.3
010.4
012.1
016.1
016.2
016.3
017.1
029.1
031.1
031.2
037.1
043.1

County Total: 17

District Total: 17

Precinct Parts In Districts

District Type	COUNTY COMMISSIONER
Name	DISTRICT 4
County	Curry

Precinct Part

004.1
004.2
005.1
005.2
022.1
025.1
026.1
026.2
027.1
027.2
028.1
028.2
030.1
030.2
036.1
036.2
041.1
042.1
042.2

County Total: 19

District Total: 19

District Type	COUNTY COMMISSIONER
Name	DISTRICT 5
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
018.1
018.2
024.1
024.2
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
038.1
039.1

County Total: 21

District Total: 21

District Type	DISTRICT ATTORNEY NINTH JUDICIAL DISTRICT
Name	9TH JUDICIAL DISTRICT
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4

Precinct Parts In Districts

District Type	EDUCATION COMMISSION
Name	DISTRICT 8
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

Precinct Parts In Districts

034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

District Type	LEGISLATIVE
Name	DISTRICT 63
County	Curry

Precinct Part

004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
020.1
022.1
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
036.1
036.2
041.1

County Total: 25

District Total: 25

District Type	LEGISLATIVE
Name	DISTRICT 64
County	Curry

Precinct Part

002.1
002.2
017.1
018.1
018.2
019.1
023.1
024.1
024.2
033.1
033.2
033.3
033.4
033.5
035.1
035.2
035.3
037.1
038.1
039.1
042.1
042.2

County Total: 22

District Total: 22

Precinct Parts In Districts

District Type	LEGISLATIVE
Name	DISTRICT 67
County	Curry

Precinct Part
001.1
001.2
003.1
003.2
003.3
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
021.1
031.1
031.2
032.1
034.1
034.2
034.3
040.1
043.1

County Total: 26

District Total: 26

District Type	MAGISTRATE
Name	DIVISION 1
County	Curry

Precinct Part
005.1
005.2
006.1
006.2
007.1
008.1
009.1
011.1
012.1
020.1
021.1
022.1
025.1
026.1
026.2
027.1
027.2
028.1
028.2
030.1
030.2
033.1
033.2
033.3
033.4
033.5
041.1
043.1

County Total: 28

District Total: 28

Precinct Parts In Districts

District Type	MAGISTRATE
Name	DIVISION 2
County	Curry

Precinct Part
001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
010.1
010.2
010.3
010.4
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
023.1
024.1
024.2
029.1
029.2
031.1
031.2
032.1
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
042.1
042.2
County Total: 45

District Total: 45

District Type	MUNICIPAL
Name	CITY OF CLOVIS
County	Curry

Precinct Part
005.2
006.2
007.1
008.1
009.1
010.3
010.4
011.1
012.1
013.1
014.1
015.1
017.1
018.2
019.1
020.1
021.1
022.1
023.1
024.2
025.1
026.1
026.2
027.2
028.2
031.2
032.1
033.5
035.3
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1
County Total: 37

District Total: 37

District Type	MUNICIPAL
Name	CITY OF TEXICO
County	Curry

Precinct Part
033.3
033.4
County Total: 2

District Total: 2

Precinct Parts In Districts

District Type	NINTH JUDICIAL DISTRICT
Name	9TH JUDICIAL DISTRICT
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

Precinct Parts In Districts

District Type	PUBLIC REGULATION
Name	DISTRICT 2
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

Precinct Parts In Districts

District Type	SCHOOL BOARD
Name	CLOVIS MUNICIPAL SCHOOL BOARD DISTRICT 5
County	Curry

Precinct Part
005.1
005.2
006.1
006.2
007.1
008.1
025.1
028.1
028.2
030.1
County Total: 10
District Total: 10

District Type	SCHOOL BOARD
Name	GRADY MUNICIPAL SCHOOL DISTRICT
County	Curry

Precinct Part
001.2
003.3
016.3
034.2
034.3
County Total: 5
District Total: 5

District Type	SCHOOL BOARD
Name	MELROSE MUNICIPAL SCHOOL DISTRICT
County	Curry

Precinct Part
003.2
004.1
004.2
016.2
034.1
036.2
County Total: 6
District Total: 6

District Type	SCHOOL BOARD
Name	TEXICO MUNICIPAL SCHOOL DISTRICT
County	Curry

Precinct Part
001.1
002.2
030.2
033.2
033.3
033.4
035.2
County Total: 7
District Total: 7

District Type	SENATE
Name	DISTRICT 27
County	Curry

Precinct Part
005.1
005.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
033.1
033.2
033.3
033.4
033.5
036.1
036.2
County Total: 17
District Total: 17

Precinct Parts In Districts

District Type	SENATE
Name	DISTRICT 7
County	Curry

County Total: 56

District Total: 56

Precinct Part
001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
032.1
034.1
034.2
034.3
035.1
035.2
035.3
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

SERVIS ELECTION READINESS CHECKLIST – 2022 GENERAL

Checklist and SERVIS Reports must be sent via email to nmclerks@state.nm.us no later than September 2, 2022

County: Curry

Preliminary Checks:

(Initial here)

AH Verify that county user accounts are accurate (active, inactive, user roles...etc).

AH Verify that users are in current election ("2022 General Election – 11/8/2022").

AH Ensure you have adequate YubiKeys for temporary staff added during the election.[1]

District Review:

(Initial here)

Verify precinct parts to district relationships are correct:

- Check that each precinct part has only one of each type of district (for example a location can only be covered by one soil and water district)
- Please print out and initial the reports found under Reporting > Ballot Proofing:
  - Districts in Precinct Parts.
  - Precinct Parts in Districts. *(This report will need to be printed, each applicable district initialed and sent to BOE via email as soon as practical: nmclerks@state.nm.us).*

Sign and return the "District Review Attestation of Compliance" *(This item requires notarization; it will need to be completed and returned to the BOE, along with the Precinct Parts in Districts report as soon as practical: nmclerks@state.nm.us).*

Election Set-Up:

(Initial here)

AH Enter "County Races" > Elections > Ballot Management. *if DA should be removed - no candidates*

- This includes single-county legislative districts (multi-county legislative districts are added by SOS).

Verify that polling place to precinct relationships are correct:

- Only polling places with at least one precinct assigned are in use for this election.
- Use the following report to verify all precinct relationships are correct:
  Reporting > Ballot Proofing >
  - Polling Place - Tabulator - Precinct; ✓
  - Polling Place - Voting Method Precinct; ✓ and
  - Polling Place - Voting Method. ✓
- Spare locations should be associated with all precincts in the county. ✓

AH Verify that polling place information is correct:

- Each polling place should be marked as one of the following: Absentee Site, Early Site or Election Day Site.
- If you have polling locations on Native American reservations, indicate that as well.
- Dates and Hours of Operation are configured/listed.
- Create a spare location for Absentee, Early and Election Day.[2]
- Export is available on the master Polling Place Page if desired.
- Verify that all applicable EV/ED polling locations have the SDR box checked under Master List of Polling Places page.
- If applicable, verify mail-only precincts are flagged as mail only and ensure that those precincts are added in EV and ED polling locations.

AH Ensure tabulator configuration is correct:

- Counting group assignments match the linked polling location's counting group.[3]
- Device type (~~ICE~~ / ICC) is correct (very important for proper card programming).
- Spares are right for your plan (spare cards & tabulators /~~2nd set of cards for all tabulators~~). [4]
- Use the following report to verify all Tabulator and Precinct relationships are correct: Reporting > Ballot Proofing: Polling Place – Tabulator – Precinct or Precinct – Polling Place – Tabulator.

AH Verify races and candidates are correct:

- Verify each and every candidate (name, last name, suffix) – aligns with the VR records as of the date the proclamation was published (January 31, 2022). ✓
  - Verify candidate information and spelling is correct; refer to Section 1-10-6, NMSA 1978. ✓
- Ensure all candidates have been qualified (not in a pending status). ✓
- For county races and single-county races, ensure all candidates have been assigned a ballot order. (Ballot order for multi-county races will be completed by SOS).
- Verify race order is correct. ✓
- Use the candidate portal as an additional way to verify the candidate: https://candidateportal.servis.sos.state.nm.us/CandidateList.aspx?eid=2782&cty=99

AH Ballot questions are complete and correct (English and Spanish).

- Verify each word of each question including punctuation, dollar signs, and commas to ensure it is correct.
- Question titles should be unique (i.e. if you have two or more bond questions, they cannot all be titled "General Obligation Bond").
- Questions are in proper sequence (lowest sequence number will be listed first on ballot).
- Sequence numbers for county questions are between 915 and 975.[9]
  - NOTE: For multi-county questions, counties will need to work with each other to ensure that the proper sequencing is applied.
- The ballot question(s) will need to be manually entered in both English and Spanish.
- In Spanish, an upside-down question mark should be added at the beginning of the question.
- If the text is copied and pasted into the question box, remove any extra spaces. (Best Practice: Copy text submitted into a word document/text file to remove extra spaces and odd formatting).

- The choice (for/against; yes/no) should not go in the question box.
- No quotation marks should appear in the text boxes.
- The question should not appear in all caps.

AH Verify Ballot content by precinct by using the Ballot Proof Lookup tool in SERVIS > Elections> Ballot Lookup Tool.

AH Create "Ballot Styles" (SERVIS > Ballot Management > Ballot Styles > Create Ballot Styles[5]).

- If you see blank styles, there are precinct parts that are not associated with the proper precinct.

AH Verify ballot content by precinct (SERVIS > Elections > Ballot Proof Lookup)

AH Verify that polling places on the public "Voter Information Portal" (VIP) are correct:

- Spot check until you are comfortable.
- Note: Any notes added in "Special Instructions" will be visible to the public.

AH SDR Readiness:

- Ensure you have all links related to SDR.
  - SAME DAY REGISTRATION SUBMISSION: https://portal.sos.state.nm.us/SDRApp/loginpage.aspx
  - SAME DAY REGISTRATION AUDIT TRAIL https://portal.sos.state.nm.us/sdrshow/
- In Clerk's portal, create credentials for all of your county SDR users: https://portal.sos.state.nm.us/ClerksPortal/LoginPage.aspx?ReturnUrl=%2fClerksPortal%2fDefault.aspx
- Update the list of users that will receive SDR email notifications.

Upon review of all items above, complete the following tasks:

Lock your Election in SERVIS > Export Ballot Styles & Lock Election:

- Lock Election and Release information to VIP will lock Ballot Management;
- Lock Districts and Precincts for Election will lock Manage District and Precincts Parts Assignment.
- Lock Polling Places for Election will lock Master list of Polling Places, Assign Precincts and Polling Places Districts and Precincts;
- Lock tabulators for Election will lock all tabulators.

Not locking until DA issue is resolved. AH

AH Mock Election Readiness: Informational Note.

- Mock Election[6] Webinar; Invite will come via email/calendar invite.
  - Round 1: Tentatively scheduled for the week of October 3, 2022.
  - Round 2: Tentatively scheduled for the week of October 10, 2022.
  - Round 3: Tentatively scheduled for the week of October 17, 2022.
- Verify you have access to the Clerk's Portal to report any issues related to Mock Election
- NOTE: County will need to upload RTR report- Election Summary to Clerk's portal.
  - Laptop, USB and passwords should all be tested as part of mock election, in preparation for election night uploads.

Other Checks

AH Verify access to Dominions' Dropbox site for election project delivery.

_____ Post-Mock election: Check-in with BOD vendors to confirm that test data has been cleared from their systems prior to the start of voting.

n/a Ensure systems that need to be connected to each other (ICE to BOD) are connected.

_____ Ensure that tabulator serial numbers are entered in Clerks Portal.

AH Ensure that you discuss your early vote counts[7] with your BOD vendor.

For problems, please contact the SOS at ***nmclerks@state.nm.us***

NOTES:

1. Additional YubiKeys may be purchased. See the Help Menu in SERVIS for more information
2. Assumes that spare plan will include spare tabulators that are able to be rapidly deployed to any polling place when needed.

   !!! Important !!!

   When a spare tabulator is deployed, it should be deployed based on counting group. (i.e. Early spares to Early Sites, Election Day spares to Election Day Sites, etc.). Crossing of counting groups can easily happen and will affect difficulty of canvass; review these items thoroughly before you lock your election.

   !!! Important !!!
3. SERVIS does not catch mismatches between Polling Place Counting Group and Tabulator Counting Group at this time.
4. Best practice is to program distinct spare tabulators and NOT rely on a second set of cards for an existing tabulator.
5. Ballot styles may be rerun as often as necessary to check for the expected output until the election is locked.
6. Mock election ballot proofing will be done in SERVIS. Mock election reporting will still be done via the Clerk's Portal.
7. During the election, EV #'s will be reported by BOD vendors or entered manually by County Clerk Staff. Ensure this process is in place with each of your vendors.
8. Question sequence numbers 900 – 914 and 976 – 999 are reserved for State-Level questions.

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Wednesday, September 7, 2022 2:30 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4992] [EXTERNAL] CURRY | BOD Order Form

Ticket closed by Felecia Valdez.

On Sep 07, 2022 @ 02:30 pm, Felecia Valdez wrote:

Ticket closed: Hello-

This has been saved and filed.

Thank you

Ticket History

On Sep 06, 2022 @ 03:58 pm, Charlotte Chinana wrote:

Assigned to Felecia Valdez.

On Sep 06, 2022 @ 02:52 pm, ahogland@currycounty.org wrote:

Attachment:

On Sep 06, 2022 @ 02:52 pm, ahogland@currycounty.org wrote:

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

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4992

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Tuesday, September 6, 2022 2:53 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #4992] [EXTERNAL] CURRY | BOD Order Form
Attachments: BOD_OrderForm_Curry.pdf

On Sep 06, 2022 @ 02:52 pm, ahogland@currycounty.org wrote:

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

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

Ticket History

On Sep 06, 2022 @ 02:52 pm, ahogland@currycounty.org wrote:

Attachment:

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4992

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 GENERAL ELECTION CHECK-IN STATION ORDER FORM

COUNTY:	Curry		
Projected Ballot Size:	14" Single	**2018 General Actuals:**	18
Vendor:	AES	**2022 BOD Formula:**	18

Check-In Station Calculations

Ballot on Demand Systems

Absentee BOD Systems:	2
Early Voting BOD Systems:	4
Election Day ONLY* BOD Systems:	21
Total Number of BOD Systems:	27

Same Day Registration Systems

Early Voting SDR Systems:	3
Election Day ONLY* SDR Systems:	9
Total Number of SDR Systems:	9

Sample Ballot Systems

Early Voting Sample Ballot Systems:	2
Election Day ONLY* Sample Ballot Systems:	4
Total Number of Sample Ballot Systems:	4

Other Systems

Total Number of Other Systems (Please Explain Below):	

Notes: North Plains Mall serves as both an EV and ED location. When ordering from AES, we requested 2 EV systems at mall, and 3 for ED.

Sample Ballot System at North Plains Mall EV can serve for that site on ED, and, the sample ballot system at the Clerk's Office can be deployed to an election day site; This is reflected in "Total" requested.

For SDR, we can reassign 3 of the EV SDR tablets to ED locations; this is reflected in "Total" SDR requested.

*Robis and AES deploy EV BOD to ED at no additional cost, so these should not be counted in the ED allotment.

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Wednesday, September 14, 2022 12:05 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5031] [EXTERNAL] Absentee Register Subscriber

Ticket closed by Lauren Hutchison.

On Sep 14, 2022 @ 12:04 pm, Lauren Hutchison wrote:

Ticket closed: Hi Annie,

I just tested this and it includes all the counties in the district. It's added correctly, he will get all available info for that district. If he just wants voters in the district in Curry he will be able to filter the data in Excel.

-Lauren Hutch

Ticket History

On Sep 14, 2022 @ 11:11 am, Charlotte Chinana wrote:

Assigned to Lauren Hutchison.

On Sep 12, 2022 @ 09:57 am, ahogland@currycounty.org wrote:

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

We received a subscriber request for the absentee register for Legislative District 64, WHICH IS COMPRISED OF Curry, Roosevelt, and Chaves Counties.

We added the subscriber in SERVIS. By selecting Legislative District 64, will the system automatically send the subscriber the register for all 3 counties in the district? Or do they need to request to be added as a subscriber in each county? In SERVIS, it says "may include.." so we want to be sure to advise the requestor correctly.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130

Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5031

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Monday, September 19, 2022 11:50 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5078] [EXTERNAL] D-905-CV-202200362; Stover

Ticket was assigned to Patrick Rostock.

On Sep 19, 2022 @ 11:49 am, Charlotte Chinana wrote:

Assigned to Patrick Rostock.

Ticket History

On Sep 19, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

Attachment:

On Sep 19, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

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

As of right now, I believe the County Attorney, Daniel Macke, is responding on behalf of Curry County, although it may be sent over to NMC.
If you need to reach Mr. Macke: (505) 308-8668 or dan@mackelaw.com.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5078

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Monday, September 19, 2022 11:18 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5078] [EXTERNAL] D-905-CV-202200362; Stover
Attachments: D905CV202200362.pdf

On Sep 19, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

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

As of right now, I believe the County Attorney, Daniel Macke, is responding on behalf of Curry County, although it may be sent over to NMC.
If you need to reach Mr. Macke: (505) 308-8668 or dan@mackelaw.com.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

Ticket History

On Sep 19, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

Attachment:

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5078

STATE OF NEW MEXICO
COUNTY OF CURRY
NINTH JUDICIAL DISTRICT COURT

BRIAN SCOTT STOVER,	)	
	)	
Petitioner,	)	
vs.	)	D-0905-CV-202200 362
	)	
ANNIE HOGLAND,	)	
in her capacity as Curry County Clerk,	)	
Respondent.	)	

CIVIL SUMMONS

TO: ANNIE HOGLAND

ADDRESS: 417 Gidding, Suite 130
Clovis, NM 88101

GREETINGS: THIS IS A COURT ISSUED SUMMONS.

1) A LAWSUIT HAS BEEN FILED AGAINST YOU. A copy of the lawsuit is attached.

2) YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THE COMPLAINT WITHIN TWENTY (20) DAYS AFTER THE SUMMONS HAS BEEN SERVED ON YOU. You must file (in person or by mail) your written response with the court. When you file your response, you must give or mail a copy to the person who signed the complaint.

3) IF YOU DO NOT FILE A WRITTEN RESPONSE WITH THE COURT WITHIN THE TWENTY (20) DAY PERIOD, NO COURT DATE WILL BE SET, AND THE COURT MAY ENTER A DEFAULT JUDGMENT AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

4) IF YOU DO NOT FILE A WRITTEN RESPONSE WITH THE COURT YOU MAY BE GIVING UP ANY DEFENSES YOU MAY HAVE, FOR EXAMPLE, THAT YOU DO NOT OWE THE PLAINTIFF OR THAT TOO MUCH TIME HAS PASSED.

5) You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6227; or 1-505-797-6066.

6) You are entitled to a jury trial in most types of lawsuits. To get a jury trial, you must request one in your written response, and you must pay a jury fee when you file your response.

7) Your answer must be filed with the court, which is located at: 700 N. Main, Suite 11, Clovis, NM 88101.

8) A copy of your answer or responsive pleading must be mailed to: Brian Scott Stover, 3765 Glenfield, Dr., Clovis, NM 88101. Service of the response will also be accepted at 417 Gidding, Suite 200, Clovis, NM 88101.

Barbara Thurman
Reun Spears
DISTRICT COURT CLERK

Brian Scott Stover
BRIAN SCOTT STOVER
PRO SE PETITIONER

NINTH JUDICIAL DISTRICT CURRY COUNTY NEW MEXICO
D.C.

STATE OF NEW MEXICO
COUNTY OF CURRY
NINTH JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO
COUNTY OF CURRY
FILED IN MY OFFICE

SEP 15 2022

Kevin Spears
Clerk District Court

BRIAN SCOTT STOVER,

Petitioner,

vs.

ANNIE HOGLAND,
in her capacity as Curry County Clerk,

Respondent.

D-0905-CV-202200 362
Tatum

EMERGENCY PETITION TO QUALIFY
CANDIDATE FOR GENERAL ELECTION

Petitioner Brian Scott Stover, is a candidate for the Republican Party's nomination for the office of District Attorney in the 9th Judicial District, and respectfully moves this Honorable Court, pursuant to the provisions of NMSA 1978 § 1-7-8 & 1-8-8(D), Article XX, Section 4 of the New Mexico Constitution, to Order Curry County Clerk, Annie Hogland to certify Candidate Brian Scott Stover and place his name on the general election ballot and is support of this petition would offer the following:

FACTS:

1) On March 1, 2022, 9th Judicial District Attorney Andrea Reeb resigned from the office.

2) On March 1, 2022, Brian Scott Stover was appointed by Governor Michelle Lujan Grisham to serve in place of Andrea Reeb.

3) March 1, 2022 was after the last day that the Governor could amend the primary election proclamation for elections in 2022.

4) On Tuesday, June 7, 2022 the primary election for New Mexico was conducted.

The issue of Ninth Judicial District Attorney was not on the ballot.

5) On June 23, 2022 the Republican Party conducted a central committee meeting to select a nominee for the position of 9th Judicial District Attorney. Brian Scott Stover was nominated for that position.

6) On June 28, 2022, Candidate Stover filled out the proper 2022 Declaration of Candidacy for Ballot Vacancy form and had the same notarized.

7) Due to an unusual increase in violent crime and unforseen circumstances, the documents were not filed until September 1, 2022.

8) On September 9, 2022, County Clerk, Annie Hogland, sent a letter via email to Candidate Stover with a notice of disqualification for candidacy due to late filing.

9) On September 14, 2022, Candidate Stover filed a petition with the County Clerk asking the Clerk to accept the petition as timely filed due to the unforseen circumstances.

10) On September 14, 2022, County Clerk, Annie Hogland sent a letter to Candidate Stover informing her that she was not able to grant the relief requested.

11) Pursuant to NMSA § 1-1-5.9, the County Clerk is the proper filing officer for a local election.

12) No other person has filed for candidacy for this position.

13) The first ballots for the general election will not be mailed out until September 24, 2022.

ARGUMENT:

I. NEW MEXICO CONSTITUTION FAVORS ELECTIONS

The New Mexico Constitution provides in Article XX section 4, that if a vacancy occurs

in the office of the district attorney, the governor shall fill such vacancy by appointment, and such appointee shall hold such office until the next general election. His successor shall be chosen at such election. This constitutional provision creates a strong indication on the part of the law to have candidates on the ballot for the people to select. The successor shall be chosen at such election. In this instance, the Candidate is well qualified to serve, and he is ready to stand for an election. The procedural provisions, while certainly important, should not over come the presumption that a Candidate should be chosen at the election.

II. FAILURE TO COMPLY WITH THE DEADLINE WAS INADVERTENT

In this instance, the failure of Candidate Stover to file the paperwork with the County Clerk was inadvertent. It is clear that the County Clerk informed the candidate of the proper date for filing. This is evidenced by the notary on the Declaration of Candidacy which was perfected on June 27, 2022. However, due to an unprecedented amount of serious violent crime in the area, the paperwork was not filed with the clerk. This inadvertence should not prevent the election process.

III. TIME PROVISIONS ARE NOT SUBSTANTIVE

The time provisions contained in the election law, NMSA1978 § 1-8-1 through 1-8-66 are designed to effect the orderly selection of judicial candidates. Can the dates be said to be substantive? The answer to this issued must be no. For example, pursuant to NMSA 1978 § 1-8-7, the time for declaration of candidates where the vacancy is caused by resignation for a position not included in the general election proclamation is twenty three days after the primary election. However, if the vacancy occurred after the primary election, then NMSA 1978 § 1-8-8 provides that the declaration of candidacy shall be filed sixty two (62) days prior to the general election. This year the general election is scheduled for November 8, 2022. In this case the Candidate's

filing of September 1, 2022 would be sixty eight (68) days before the general election and timely. The point of this comparison is to show that the time provisions are not substantive, but designed for the orderly selection of candidates. Therefore, in this instance, allowing Candidate Stover to be placed on the ballot would not violate any substantive rule. This case is similar to *Hand v. Winter*, 2017 NMSC 005. In that case, a judge resigned after the primary election. The Court in that case held that constitutional provisions as well as the statute allowed the candidate's name to be placed on the ballot fifty six (56) days prior to the general election. If it was proper to allow that candidate onto the ballot, how can it not be proper to allow candidate Stover onto the ballot when he filed sixty eight (68) days prior to the election. This issue is similar to the one in *Morper v. Oliver*, 2020 NMSC 012. In that case, the Secretary of State disqualified a candidate because they did not have enough signatures. The Secretary of State argued that the heading on forty four (44) petitions were wrong and so the signatures contained therein were invalid. In reversing the decision of the Secretary of State, the Supreme Court held that the pursuit of uniformity, while admirable and proper, should not be elevated over the citizen's right to vote for the candidate of their choice. The Supreme Court looked beyond strict adherence to the rule to the rights of the people. Through the republican party, Candidate Stover has been selected by the people and the people should be given an opportunity to vote for or against him.

IV. THERE IS NO PREJUDICE TO ALLOWING THE CANDIDATE

As a general provision, where there is no prejudice in the violation of a procedural rule, equity would indicate that penalty for violation of that rule would be improper. Generally a remedy is not entitled absent a showing of prejudice, State v. Montoya, 1993 NMCA 097. In the present case, there is no prejudice to the County or the people of the district in allowing Candidate Stover onto the November ballot. No other person has requested to be on the ballot so

no other candidate would be effected by Stover's addition to the ballot. In addition, no ballots have been sent out. The absentee ballots will not be sent until September 24, 2022. Since there is no prejudice in allowing Stover on the ballot and since the Constitution places such a strong indication that the successor shall be selected in the next election, equity would indicate that the proper remedy would be to allow the candidate to be on the ballot.

V. EQUITY PROVIDES REMEDY WHERE THE LAW MAY NOT

The failure to file documents on July 1, 2022 was a mistake on the part of the candidate. However, this mistake was not caused by evil intent or lack of effort. Candidate Stover has been serving the office of the District Attorney diligently and the failure to file the paperwork occurred due to a heavy work load that has been unprecedented in this area. This Court, may grant the relief in equity. This is something that the court does on a regular basis. Looking beyond a strict adherence to rules in an effort to seek justice is an important role of the courts. As an example, when a criminal defendant fails to file a notice of appeal in a timely manner, the Court's could look upon that and dismiss the appeal. They Courts could make the defendant argue through habeas

WHEREFORE, the petitioner respectfully requests that this honorable court accept the Declaration of Candidacy as timely filed and order County Clerk Annie Hogland to allow his name onto the ballot.

Respectfully Submitted:

Brian Scott Stover
3765 Glenfield Dr.
Clovis, NM 88101
(505) 366-4890

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Thursday, December 15, 2022 12:59 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5099] [EXTERNAL] UOCAVA / Online AV Request

Ticket was assigned to Charlotte Chinana.

On Dec 15, 2022 @ 12:58 pm, Charles Romero wrote:

Assigned to Charlotte Chinana.

Ticket History

On Nov 02, 2022 @ 08:58 am, Daniel Aragon wrote:

Unassigned.

On Sep 27, 2022 @ 04:11 pm, Felecia Valdez wrote:

I do see Charlotte noted she has this down to have further discussion with I.T. staff.

Thank you

On Sep 27, 2022 @ 04:07 pm, ahogland@currycounty.org wrote:

Something needs to be done. I provided some ideas in the pdf with possible solutions.. Have there been any discussions about this? Do you all plan on coming up with a solution for this issue? If so, I'm assuming there is not a plan for this election, but we have brought up this concern for a few elections now.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Sep 27, 2022 @ 03:23 pm, Felecia Valdez wrote:

Hi Annie-

Is there anything else you need assistance with at this time?

Thank you

On Sep 23, 2022 @ 01:52 pm, Charlotte Chinana wrote:

Hi Annie,

Thank you for this summary and the screenshots; I'm noting this for a discussion with IT staff. Have a wonderful weekend!

--

Charlotte Chinana

Deputy Elections Director

(505) 827-3623

On Sep 23, 2022 @ 01:51 pm, Charlotte Chinana wrote:

Assigned to Felecia Valdez.

On Sep 22, 2022 @ 06:32 pm, ahogland@currycounty.org wrote:

Attachment:

On Sep 22, 2022 @ 06:32 pm, ahogland@currycounty.org wrote:

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

Please see attached pdf explaining our concerns with the current AV request process through the online portal, as it relates to military / UOCAVA.

We have people who are checking the box "military" being treated as UOCAVA voters, although they are not military absent from the state, and should be a REGULAR AV voter. Not to mention, those that do qualify as a UOCAVA are being issued a ballots via email and did not select "email" as the method to receive their ballot, as they would on an FPCA.

Annie Hogland

Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5099

curryelections@currycounty.org

From: NM Clerks <nm.clerks@state.nm.us>
Sent: Thursday, September 22, 2022 6:33 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5099] [EXTERNAL] UOCAVA / Online AV Request
Attachments: OnlineAVRequest (1).pdf

On Sep 22, 2022 @ 06:32 pm, ahogland@currycounty.org wrote:

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

Please see attached pdf explaining our concerns with the current AV request process through the online portal, as it relates to military / UOCAVA.

We have people who are checking the box "military" being treated as UOCAVA voters, although they are not military absent from the state, and should be a REGULAR AV voter. Not to mention, those that do qualify as a UOCAVA are being issued a ballots via email and did not select "email" as the method to receive their ballot, as they would on an FPCA.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

Ticket History

On Sep 22, 2022 @ 06:32 pm, ahogland@currycounty.org wrote:

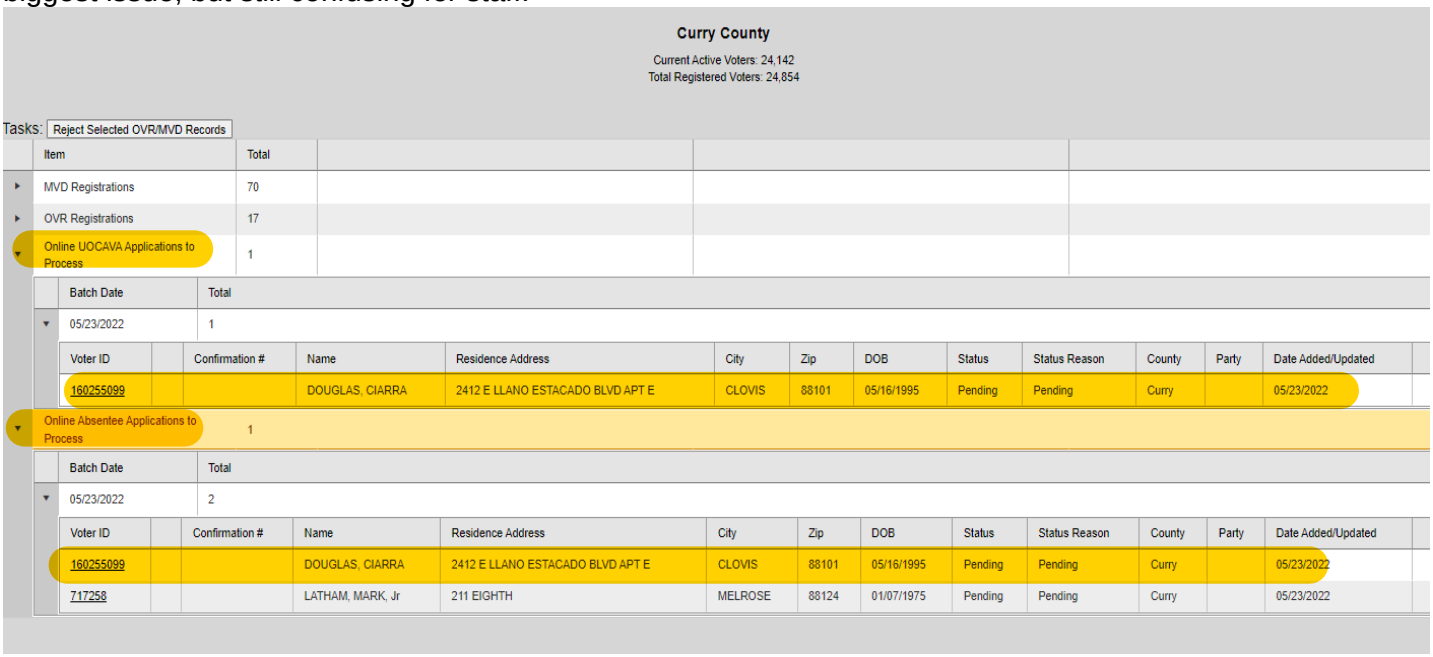
Attachment:

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5099

Home screen.. is showing the UOCAVA applications twice… it started doing this during the 2022 MOE.. not the biggest issue, but still confusing for staff.



Curry County

Current Active Voters: 24,142
Total Registered Voters: 24,854

Tasks: Reject Selected OVR/MVD Records

Item	Total
MVD Registrations	70
OVR Registrations	17
Online UOCAVA Applications to Process	1

Batch Date	Total
05/23/2022	1

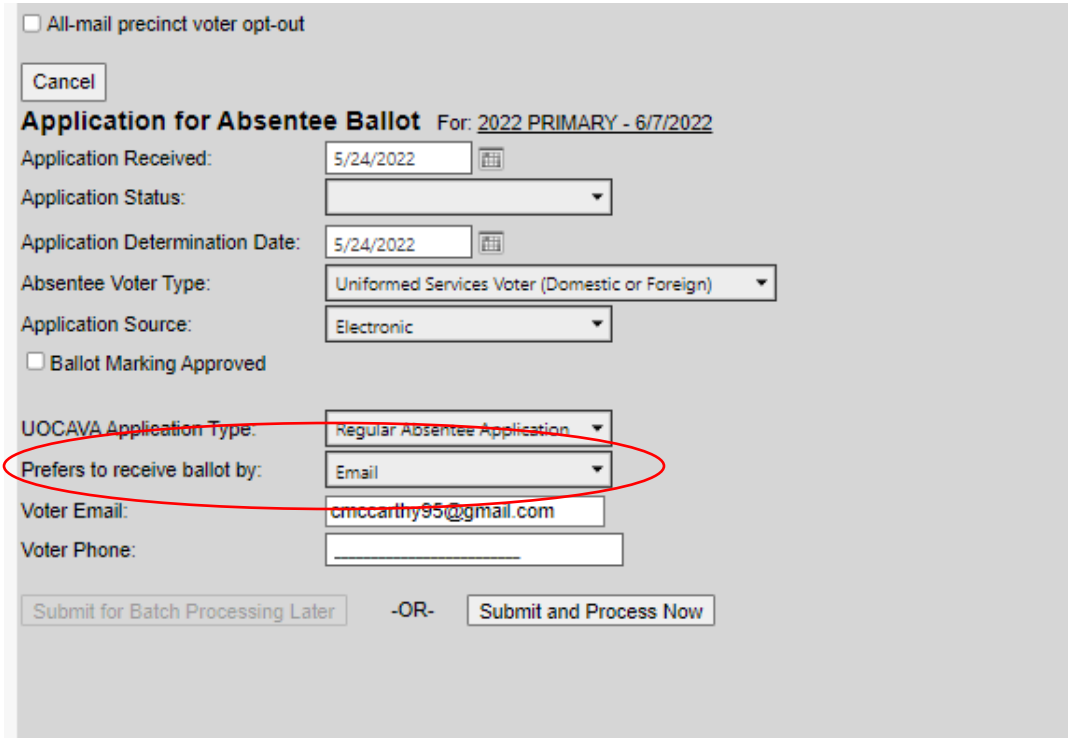
Voter ID	Confirmation #	Name	Residence Address	City	Zip	DOB	Status	Status Reason	County	Party	Date Added/Updated
160255099		DOUGLAS, CIARRA	2412 E LLANO ESTACADO BLVD APT E	CLOVIS	88101	05/16/1995	Pending	Pending	Curry		05/23/2022

Online Absentee Applications to Process	1

Batch Date	Total
05/23/2022	2

Voter ID	Confirmation #	Name	Residence Address	City	Zip	DOB	Status	Status Reason	County	Party	Date Added/Updated
160255099		DOUGLAS, CIARRA	2412 E LLANO ESTACADO BLVD APT E	CLOVIS	88101	05/16/1995	Pending	Pending	Curry		05/23/2022
717258		LATHAM, MARK, Jr	211 EIGHTH	MELROSE	88124	01/07/1975	Pending	Pending	Curry		05/23/2022

Below is screen to process that UOCAVA application above.



All-mail precinct voter opt-out

Cancel

Application for Absentee Ballot For: 2022 PRIMARY - 6/7/2022

Application Received: 5/24/2022

Application Status:

Application Determination Date: 5/24/2022

Absentee Voter Type: Uniformed Services Voter (Domestic or Foreign)

Application Source: Electronic

Ballot Marking Approved

UOCAVA Application Type: Regular Absentee Application

Prefers to receive ballot by: Email

Voter Email: cmccarthy95@gmail.com

Voter Phone:

Submit for Batch Processing Later -OR- Submit and Process Now

When processing, it shows the voter prefers to receive ballot by email… But through the online av application process, it doesn't actually give the voter the option. (See following pages as we tried to mock the application process for a UCOVA voter).

This is the actual application printed from the voter's images tab.

APPLICATION FOR ABSENT VOTER BALLOT

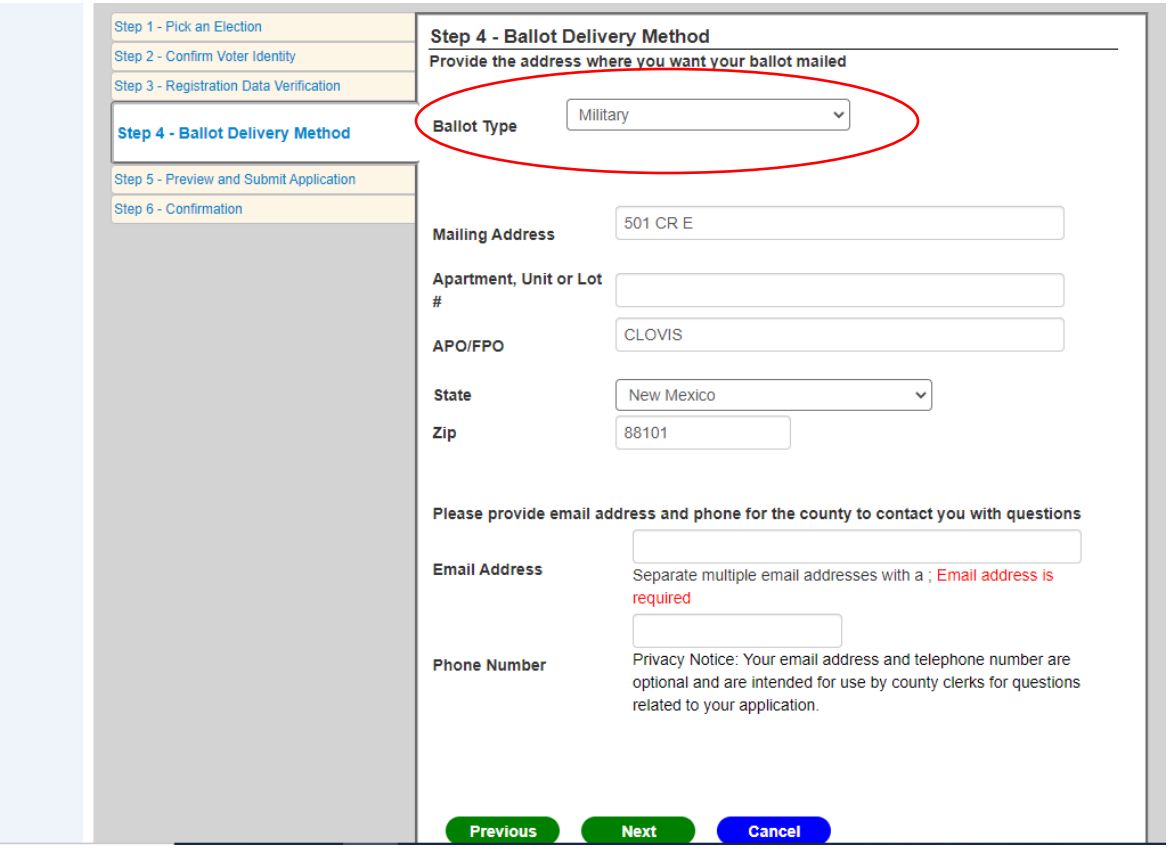
Election:	**2022 PRIMARY - June 7, 2022**
Voter name as registered:	**CIARRA MARIE MCCARTHY DOUGLAS**
Year of birth:	**1995**
County:	**CURRY COUNTY**
Street address as registered:	**2412 E LLANO ESTACADO BLVD APT E APT E** **CLOVIS NM 88101**
Mail ballot to address:	**6000 CORTADERIA ST NE 6101** **ALBUQUERQUE, NM 87111-8007**
Email address:	**cmccarthy95@gmail.com**
Absentee type:	**Military**
Date & time submitted electronically:	**5/23/2022 at 23:52**

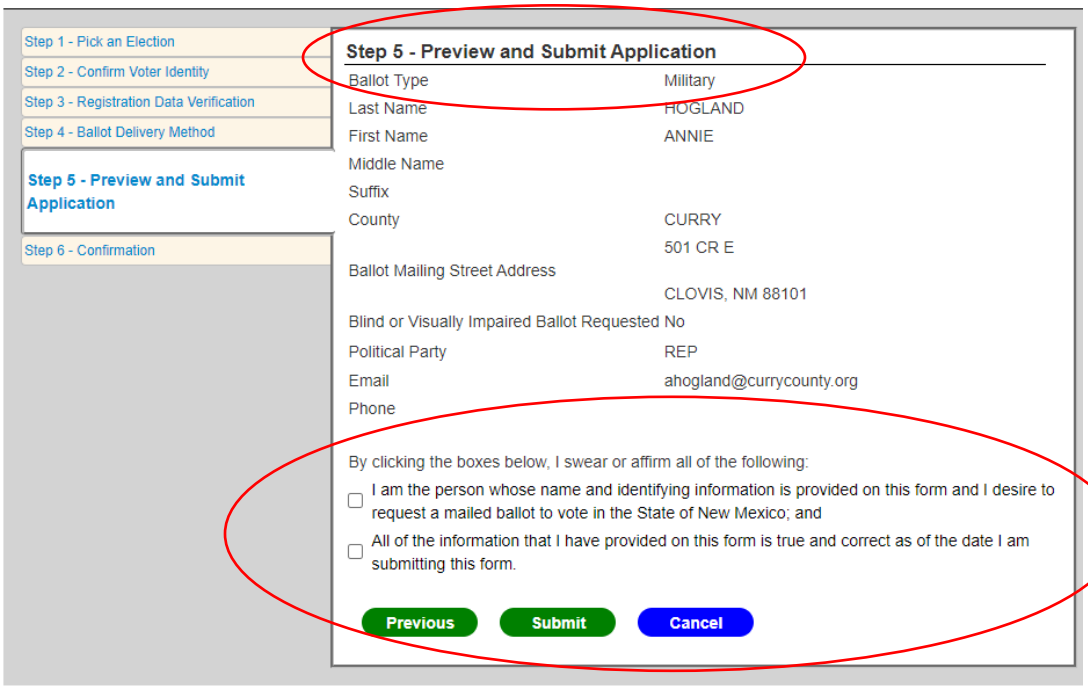
I swear or affirm all of the following

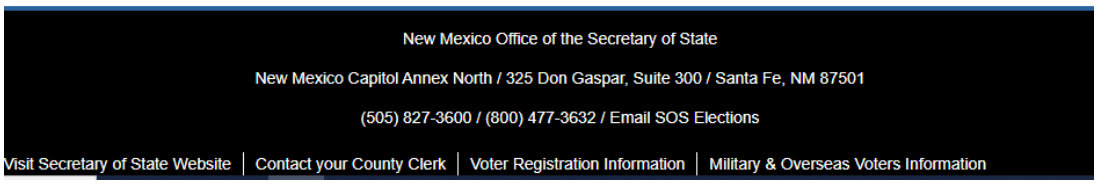
- I am the person whose name and identifying information is provided on this form and I desire to re uest a mailed ballot to vote in the State of ew Me ico and
- All of the information that I have provided on this form is true and correct as of the date I am submitting this form.

Signature:

When mocking the application process, the drop down allows you to select military.. but that doesn't actually follow the UOCAVA process. In addition, on the "Preview and Submit screen" it has the Regular AV voter affirmation, not a UOCAVA affirmation as indicated on the next page (FPCA form).







Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

Print clearly in blue or black ink, please see back for instructions.

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's instructions at FVAP.gov.

1. Who are you? Pick one.

I request an absentee ballot for all elections in which I am eligible to vote AND:

- ☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.
- ☐ I am a U.S. citizen living outside the country, and I intend to return.
- ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.
- ☐ I am a U.S. citizen living outside the country, and I have never lived in the United States.

Last name		Suffix (Jr., II)	Sex ☐ Female ☐ Male
First name		Previous names (if applicable)	
Middle name		Birth date (MM/DD/YYYY)	/ /
Social Security Number	___ ___ ___ - ___ ___ - ___ ___ ___ ___	Driver's license or State ID #	

2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on other side of form.

Street address		Apt #	
City, town, village		State	
County		ZIP	

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)	Your mail forwarding address. (If different from mailing address)

4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:		Phone:	
Alternate email:		Fax:	

5. What are your preferences for upcoming elections?

A. How do you want to receive voting materials from your election office? (Select One)

- ☐ Mail
- ☐ Email or online
- ☐ Fax

B. What is your political party for primary elections?

6. What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. *Additional state instructions* may be found at FVAP.gov. You may also use this space to clarify your voter information.

7. You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

Sign here X

Today's date (MM/DD/YYYY) / /

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Saturday, October 29, 2022 10:41 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5237] [EXTERNAL] SERVIS / SDR

Ticket closed by Charles Romero.

On Oct 29, 2022 @ 10:40 am, Charles Romero wrote:

Ticket closed: Annie,

I am Closing ticket. This was part of the known issues a couple weeks ago

Ticket History

On Oct 29, 2022 @ 10:40 am, Charles Romero wrote:

Assigned to Charles Romero.

On Oct 24, 2022 @ 10:35 am, ahogland@currycounty.org wrote:

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.
Will we be able to complete any SDR's today? We are even trying to put them in by hand and are unable to do so. Is there any leads on how long melissa data will be down for? Just trying to communicate with the voters.

Thanks,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5237

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Monday, October 31, 2022 4:15 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5257] [EXTERNAL] SDR Tablet Error

Ticket closed by Charles Romero.

On Oct 31, 2022 @ 04:14 pm, Charles Romero wrote:

Ticket closed: Hello Annie,

this was a known issue that has now been resolved. Closing ticket

Ticket History

On Oct 31, 2022 @ 04:14 pm, Charles Romero wrote:

Assigned to Charles Romero.

On Oct 24, 2022 @ 10:39 am, ahogland@currycounty.org wrote:

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

Twice this morning, our tablet has had an error message regarding OVR data from MVD, and to try again later.... Don't have a picture of the error message, just wanted to report as best as possible. If it happens again we will get a picture.

Thanks,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5257

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Friday, December 16, 2022 2:47 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5324] [EXTERNAL] Local Election / Municipalities

On Dec 16, 2022 @ 02:46 pm, Charles Romero wrote:

Hello Annie,

Thank you for reaching out. Pursuant to 1-22-3.1, "any municipality may by ordinance opt in to the election of its municipal officers in the regular local election if the municipality passes an ordinance and files the ordinance with the secretary of state no later than June 30 of the year in which the next regular local election is scheduled. The ordinance shall also determine if the terms of office for current office holders will be lengthened or shortened to correspond with the new election date"

The deadline to opt in will be June 30, 2023 to opt-in.

I will look to see if we have any literature

Ticket History

On Nov 09, 2022 @ 03:39 pm, Charles Romero wrote:

Assigned to Charles Romero.

On Oct 24, 2022 @ 10:45 am, ahogland@currycounty.org wrote:

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

I know we are in the middle of an election.... but I have an opt-out municipality requesting more info on the RLE... I let them know I would reach out as far as the deadline to adopt and file an ordinance with your office, so if you can please let me know, that would be great!

Also, if you have any literature on that (current or previous) to share, we would appreciate it!

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5324

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Friday, November 4, 2022 10:34 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5440] [EXTERNAL] Curry - Clear Results (2022 Gen)

Ticket closed by Charlotte Chinana.

On Nov 04, 2022 @ 10:33 am, Charlotte Chinana wrote:

Ticket closed: Good morning, Annie --

Thank you for sending this information; I've notated receipt and filed a copy accordingly.
Have a wonderful day!

--

Charlotte Chinana

Deputy Elections Director

(505) 827-3623

Ticket History

On Nov 03, 2022 @ 10:51 am, Charlotte Chinana wrote:

Assigned to Charlotte Chinana.

On Nov 03, 2022 @ 10:05 am, ahogland@currycounty.org wrote:

Attachment:

On Nov 03, 2022 @ 10:05 am, ahogland@currycounty.org wrote:

Attachment:

On Nov 03, 2022 @ 10:05 am, ahogland@currycounty.org wrote:

Attachment:

On Nov 03, 2022 @ 10:05 am, ahogland@currycounty.org wrote:

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

Please see attached items on behalf of Curry County:

1) Dominion RTR Server Report - Zero
2) RTR Server Air Gap Picture
3) RTR/USB Attestation

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5440

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Friday, November 11, 2022 4:41 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5567] [EXTERNAL] Curry Canvass Contact / Meeting Date

Ticket closed by Charlotte Chinana.

On Nov 11, 2022 @ 04:40 pm, Charlotte Chinana wrote:

Ticket closed: Good afternoon, Annie --

Thank you for sending this information; I have notated receipt and logged your responses for the team. Have a lovely evening!

--

Charlotte Chinana

Deputy Elections Director

(505) 827-3623

Ticket History

On Nov 11, 2022 @ 07:42 am, Charlotte Chinana wrote:

Assigned to Charlotte Chinana.

On Nov 10, 2022 @ 06:30 pm, ahogland@currycounty.org wrote:

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.
I will be the point of contact for canvass related questions.

Curry BOCC will meet Tuesday, November 15 at 9:00am.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101

(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5567

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Wednesday, November 16, 2022 11:32 AM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5616] [EXTERNAL] Curry Canvass Certificate

Ticket closed by Charlotte Chinana.

On Nov 16, 2022 @ 11:31 am, Charlotte Chinana wrote:

Ticket closed: Hi Annie,

Thank you for sending this item; I have notated receipt and saved a copy. Have a lovely day!

--

Charlotte Chinana

Deputy Elections Director

(505) 827-3623

Ticket History

On Nov 15, 2022 @ 04:34 pm, Charlotte Chinana wrote:

Assigned to Charlotte Chinana.

On Nov 15, 2022 @ 04:25 pm, ahogland@currycounty.org wrote:

Attachment:

On Nov 15, 2022 @ 04:25 pm, ahogland@currycounty.org wrote:

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

Thank you,
Annie Hogland

Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5616

curryelections@currycounty.org

From: NM Clerks <nm.clerks@sos.nm.gov>
Sent: Tuesday, November 15, 2022 4:26 PM
To: ahogland@currycounty.org
Subject: [EXTERNAL SENDER] [Ticket #5616] [EXTERNAL] Curry Canvass Certificate
Attachments: Curry 2022 General Election Certificate of Canvass.pdf

On Nov 15, 2022 @ 04:25 pm, ahogland@currycounty.org wrote:

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

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

Ticket History

On Nov 15, 2022 @ 04:25 pm, ahogland@currycounty.org wrote:

Attachment:

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5616

CERTIFICATION OF CANVASS RESULTS

We, the undersigned Board of County Commissioners acting as the Board of Canvassers of Curry County, State of New Mexico, canvass the General Election held in said county, November 8, 2022, certify that the canvass results text file sent to the Office of New Mexico Secretary of State is a correct canvass of returns of said election.

WITNESS the Honorable Board of County Commissioners, November 15, 2022.

THE BOARD OF COUNTY COMMISSIONERS:

Chet Spear, Chairman

Robert O. Sandoval, Vice Chairman

Thomas W. Martin, III, Member

Seth Martin, Member

Robert Thornton, Member

SEAL

ATTEST:

Annie Hogland, County Clerk

curryelections@currycounty.org

From: Lange, Dylan, SOS <Dylan.Lange@sos.nm.gov>
Sent: Wednesday, October 26, 2022 12:53 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Elections, SOS; Vigil, Mandy, SOS
Subject: [EXTERNAL SENDER] 2022 Election Prosecutor List
Attachments: Elections Prosecutor List - 10_21_2022.docx

All:

Attached is an updated list of the election prosecutor for each District Attorney's Office around the state. The list is organized by judicial district.

Please ensure that any alleged criminal violations of the election code are promptly referred to your district's election prosecutor for speedy resolution. Please also ensure that our office is informed when any criminal referral is made.

Warm Regards,

Dylan

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Dylan K. Lange | General Counsel
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 231-9473 | Desk: (505) 827-3629
dylan.lange@sos.nm.gov

ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS'
ELECTIONS PROSECUTOR LIST AND CONTACT INFORMATION

DISTRICT #	PROSECUTOR'S NAME(S)	CELL #	OFFICE #	EMAIL ADDRESS
1	Morgan Wood	n/a	505-827-5000	mwood@da.state.nm.us
2	James Grayson	505-382-9116	505-222-1099	james.grayson@da2nd.state.nm.us
3	Gerald Byers	575-915-5958	575-647-8540	gbyers@da.state.nm.us
4	Esther Garduno-Montoya	n/a	505-425-6746	egarduno-montoya@da.state.nm.us
5	Patrick Melvin	575-499-5511	575-885-8822	pmelvin@da.state.nm.us
6	Tomas Medina	575-538-1580	575-388-1941	tmedina@da.state.nm.us
7	Clint Wellborn	575-838-7095	575-835-0052	cwellborn@da.state.nm.us
8	Marcus Montoya	505-469-0373	575-758-8683	mmontoya@da.state.nm.us
9	Brian Stover	505-366-4890	575-769-2246	bstover@da.state.nm.us
10	Tim Rose	575-403-9338	575-461-2075	trose@da.state.nm.us
11-1	Rick Tedrow	505-330-4474	505-599-9844	rtedrow@da.state.nm.us
11-2	Bernadine Martin	505-231-5855	505-722-2281	bmartin@da.state.nm.us
12	Scot Key	575-430-1594	575-437-3640	skey@da.state.nm.us
13	Daniel Romero	n/a	505-771-7454	dromero@da.state.nm.us

Prepared and submitted to the Secretary of State's Office 10/21/2022

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Thursday, November 3, 2022 5:02 PM
To: SOS-County Clerks Group; SOS-33 County Clerks
Cc: Vigil, Mandy, SOS; SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] 2022 General Election - Watchers (Election Day)

Good afternoon,

This is a courtesy notice that all counties that have approved watchers for Election Day have received individual notifications our office. If you have not received a list, we have not received a request for watcher in your county.

For reference:

- Watchers = SOS approval 7 days prior to serving as a watcher (Review sections 1-2-25 & 1-2-27 & 1-2-30)
- Challenger = Party chair appointment (Review sections 1-2-21 through 1-2-26)

Here are the counties who have approved watchers:

COUNTY
BERNALILLO
CHAVES
CIBOLA
CURRY
DOÑA ANA
GRANT
LINCOLN
LOS ALAMOS
LUNA
MCKINLEY
MORA
RIO ARRIBA
SAN JUAN
SANDOVAL
SANTA FE
SIERRA
TAOS
TORRANCE
VALENCIA

If you have any clarifying questions, let us know: nm.clerks@sos.nm.gov.

Thank you and have a wonderful evening!

--

PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Sent: Tuesday, August 30, 2022 1:30 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Vigil, Mandy, SOS; Chinana, Charlotte, SOS; Lamb, William, SOS; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] 2022 General Election _ Deadline Reminders

Good Afternoon County Clerks,

With the election rapidly approaching, we wanted to send a friendly reminder to you all regarding important deadlines to keep in mind.

- August 30: Last day for candidate to withdraw (1-10-6. C)
- August 30: Last day for local government to file resolution proposing a ballot question to the county clerk (1-16-3. B)
- September 2: County clerk shall certify the local government ballot question to the secretary of state (1-16-3. B)
- September 6: Last day to fill vacancies on the general election if vacancy occurs after Primary Election (1-8-8)
- September 6: Last day for state to adopt or amend NMAC rules before the General Election (1-2-1 (B)(2))
- September 9: Ballot to the Printer (county clerk shall certify in writing the ballot for each precinct in the county containing the name of each candidate that has been certified as the nominee of a qualified political party, each unaffiliated candidate who has been qualified by a proper filing officer, a space for any offices with a declared write-in candidate and any ballot questions to be voted on at the general election. (1-10-4)
- September 23: County Clerks shall have access to ballots for FQE voters (1-10-5)
- September 23: County Clerks shall send notice before preparing any type of voting machine to the county chair of each political party on the ballot. (1-11-8)
- September 24: County Clerk shall transmit a ballot and balloting materials to all federal qualified electors who by that date submit a valid military-overseas ballot application. 1-6B-7 (A)

Hope these reminders are helpful to you all.

Thank you,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

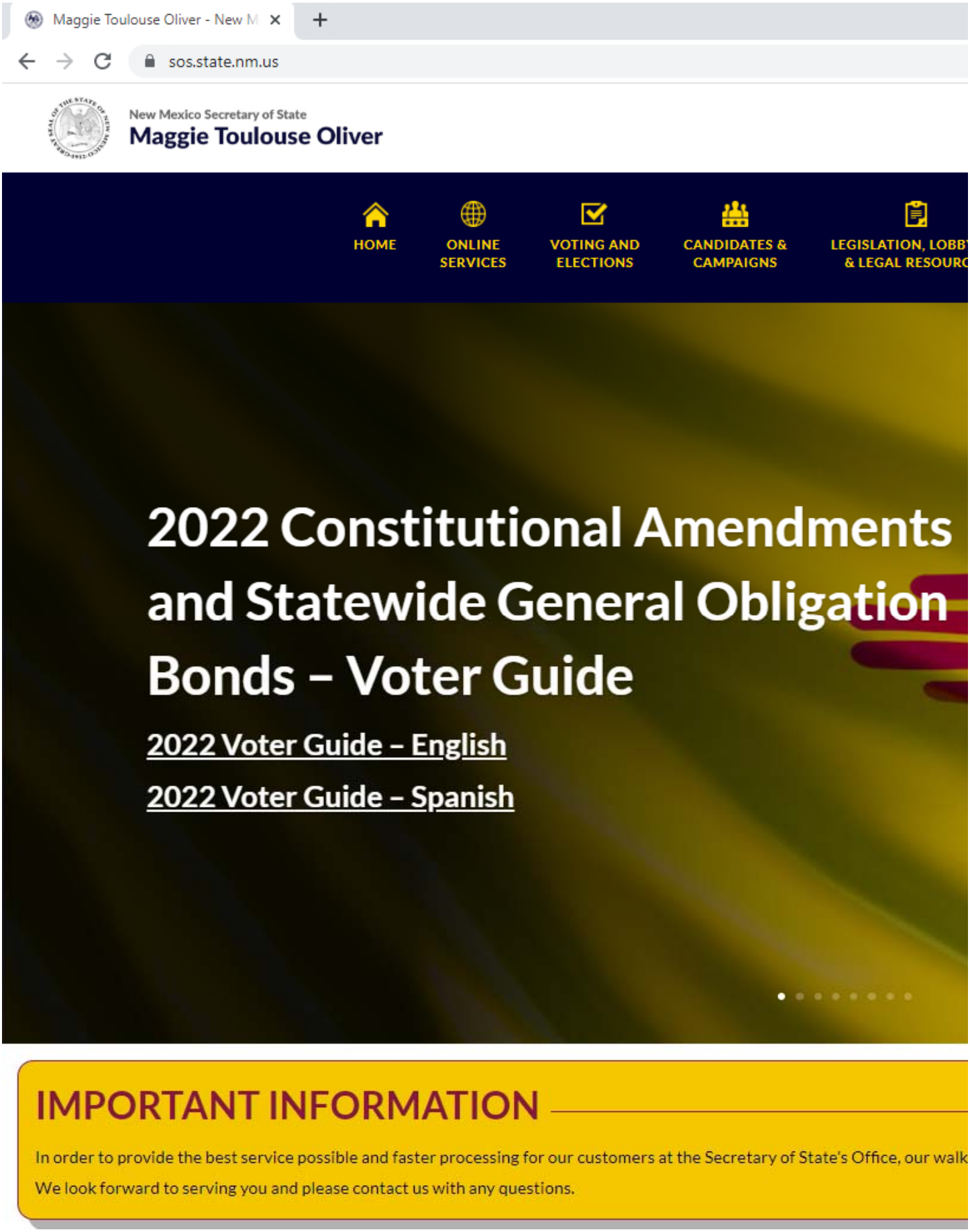
Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@state.nm.us

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Tuesday, October 18, 2022 4:43 PM
To: SOS-County Clerks Group; SOS-33 County Clerks; Michelle S. Kavanaugh; Juan E. Torres
Cc: SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] 2022 General Election _ Voter Guide (CAs and GO Bonds)
Attachments: 2022 Voter Guide_English.pdf; 2022 Voter Guide_Spanish.pdf

Good Afternoon County Clerks,

I have attached the 2022 General Election Voter Guides that contain the constitutional amendments and general obligation bonds. Please post these to your website for the voters within your county, if possible. In addition, you can refer voters to our NM Secretary of State Website as we have posted them on the home screen banner, it is the first banner upon entering our website (see screenshot below). https://www.sos.state.nm.us/ Thank you all for everything you do.


Maggie Toulouse Oliver - New M
sos.state.nm.us
New Mexico Secretary of State
Maggie Toulouse Oliver
HOME
ONLINE SERVICES
VOTING AND ELECTIONS
CANDIDATES & CAMPAIGNS
LEGISLATION, LOBB
& LEGAL RESOURC
2022 Constitutional Amendments and Statewide General Obligation Bonds – Voter Guide
2022 Voter Guide – English
2022 Voter Guide – Spanish
IMPORTANT INFORMATION
In order to provide the best service possible and faster processing for our customers at the Secretary of State's Office, our walk
We look forward to serving you and please contact us with any questions.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

The New Mexico Secretary of State's

2022 GENERAL ELECTION VOTER GUIDE

Proposed Constitutional Amendments, General Obligation Bonds & General Information About Voting in New Mexico

Early Voting begins Oct. 11, 2022
Election Day is Nov. 8, 2022
www.NMVOTE.org

Table of Contents

General Information	4
Proposed: Constitutional Amendment 1	6
Purpose	7
Arguments For	8
Arguments Against	10
Full Text of Legislation	13
Proposed: Constitutional Amendment 2	17
Purpose	17
Arguments For	18
Arguments Against	20
Full Text of Legislation	22
Proposed: Constitutional Amendment 3	26
Purpose	26
Arguments For	27
Arguments Against	29
Full Text of Legislation	31
Proposed: General Obligation Bonds	34
Explanation of GO Bonds and Taxes	36
Purpose	37
Fiscal Implications	43
Additional Resources	44

General Information

In the 2021 and 2022 legislative sessions, the New Mexico Legislature passed three joint resolutions proposing amendments to the state constitution. The proposed amendments will appear on the November 8, 2022, election ballot.

The Constitution of New Mexico provides that the legislature, by a majority vote of all members elected to each house, may propose amendments revising the constitution, and that proposed amendments must then be submitted to the voters of the state for approval. A proposed amendment becomes part of the state's constitution if a majority of the votes cast in an election on the proposition are cast in its favor unless the proposed amendment affects one of the sections in the constitution for which a three-fourths' majority is required. (This year's proposed constitutional amendments do not affect any of those sections and so require only a simple majority vote to be approved.) Proposed constitutional amendments become effective upon approval by the voters unless an effective date is provided within the text of the proposed amendment.

For the proposed amendments that will appear on the November 8, 2022, ballot, this guide contains the text of the joint resolutions proposing the amendments along with statements of purpose for the amendments. Arguments for and against the amendments, as well as additional analysis, are available at the websites provided.

The legislature also passed a bill proposing three general obligation (GO) bonds. These proposed bonds must also be submitted to the voters of the state for approval. General obligation bonds are a type of bond secured by the state's use of legally available resources. The text of each ballot question is included here, along with a statement of the bond's function and fiscal impact. Arguments for and against the proposed bonds, along with additional analysis, are available at the websites provided.

Disclaimer

The Secretary of State's office is including the text of each proposed statewide ballot question to appear on the ballot in the 2022 General Election. A brief statement of purpose or function has also been provided for each question. Additional links and references are included for the voter to review full bill language, or to obtain additional information on the issues. The analysis presented in this guide was developed by a variety of sources and does not necessarily reflect the views of the Secretary of State's office. Instead, this guide attempts to provide voters with various resources to review the amendments and arrive at their own conclusions.

Proposed: Constitutional Amendments

The following constitutional amendments questions will appear on all ballots for the General Election on November 8, 2022:

Constitutional Amendment 1

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT SCHOOL FUND FOR ENHANCED INSTRUCTION FOR STUDENTS AT RISK OF FAILURE, EXTENDING THE SCHOOL YEAR, TEACHER COMPENSATION AND EARLY CHILDHOOD EDUCATION; REQUIRING CONGRESSIONAL APPROVAL FOR DISTRIBUTIONS FOR EARLY CHILDHOOD EDUCATION.

For: _____ Against: _____

Purpose

Constitutional Amendment 1 proposes to amend Article 12, Section 7 of the Constitution of New Mexico to provide additional distributions from the land grant permanent funds. These additional distributions would be in an amount of 1.25% of the average of the year-end market value of the Permanent School Fund for the immediately preceding five calendar years. Forty percent of the additional 1.25% distribution would be distributed to public schools for enhanced instruction for at-risk students, extending the school year and teacher compensation, and 60% of the additional 1.25% distribution would be to provide early childhood education, which is defined as nonsectarian and nondenominational education for children until they are eligible for kindergarten. Constitutional Amendment 1 would permit the legislature to suspend these additional distributions by a three-fifths' vote and would automatically suspend the additional distribution if the five-year average market values of the land grant permanent funds fall below $17 billion. If Constitutional Amendment 1 is approved by the voters, it would still require congressional approval prior to taking effect.

Arguments For

1. Would provide additional and needed funding for public schools and early childhood education.

With the proposed additional distribution from the Land Grant Permanent Fund in this constitutional amendment, public education and early childhood education programs will receive an increase in educational funding statewide from that fund. According to Legislative Finance Committee estimates, which are dependent on projected investment returns, the 1.25% distribution increase in the constitutional amendment could result in the distribution of an additional $211.5 million in funding for education in fiscal year 2023. This would deliver approximately $126.9 million for early childhood education and $84.6 million for public education. The projected additional funding for early childhood education may help close the funding gap that the Early Childhood Education and Care Department presented in its recent finance plans, which estimated that an additional $505 million was needed by fiscal year 2026 to provide New Mexico with universal access to early childhood services. Additionally, the funding for public education would be used for enhanced instruction for students at risk of failure, extension of the school year and public-school teacher compensation.

2. Early childhood educational programming provides a significant benefit in student outcomes.

According to a 2020 report by the Legislative Finance Committee, pre-kindergarten programs are among the most effective education reform measures for improving student outcomes.[1] Low student achievement at an elementary level can lead to serious implications for future educational outcomes. Participation in pre-kindergarten led to higher high school graduation rates, and pre-kindergarten participation for students with special needs also led to improved outcomes. The Legislative Finance Committee, through its report, saw an

increase in graduation rates for English language learners and low-income participants, a reduction in grade retention and a reduction in chronic absenteeism. Additionally, participation in pre-kindergarten programs correlated to higher test scores throughout students' academic careers.

3. Increased student outcomes provide direct benefits to taxpayers and the state.

Providing more high-quality early childhood education programs has not only been proven to have a greater impact on students' educational outcomes, but it also provides a significant return on investment. The benefit to taxpayers for pre-kindergarten programs is estimated at over $16,000 per student.[2] These benefits are a result of those students on average earning higher lifetime wages and paying higher taxes, as well as savings resulting from lower crime and social program spending. Increased spending on early childhood education and public schools, as provided by this constitutional amendment, may further capitalize on this return on investment.

---

[1] **Legislative Finance Committee Prekindergarten Quality and Educational Outcomes report; https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/Prekindergarten%20Quality%20and%20Educational%20Outcomes.pdf.**

[2] *Id.*

Arguments Against

1. Other funding is available to accomplish the stated goal of the proposed constitutional amendment.

Funding provided by a new distribution provided in this proposed constitutional amendment may not be necessary to sufficiently fund early childhood programs. In 2020, as an alternative to a similar proposal as this constitutional amendment, the state created a new trust fund, the Early Childhood Education and Care Fund. The law provides that the fund distributes at least $30 million for early childhood education and care services and programs every year. The Legislative Finance Committee projects that distributions from the fund for early childhood education and services will reach $68.25 million in fiscal year 2024, $127.97 million in fiscal year 2025 and $173 million in fiscal year 2026, providing nearly three-fourths of the $505 million the Early Childhood Education and Care Department estimates is needed by fiscal year 2026 to provide New Mexico with universal access to early childhood services. It is estimated that the proposal in the joint resolution will provide $134.31 million in fiscal year 2024 and $141.3 million in fiscal year 2025. Rather than risk the corpus of the Land Grant Permanent Fund and a possibly significant reduction in future distributions to existing beneficiaries, it may be more appropriate to rely on this existing resource to fund early childhood programs and to allow the continued growth of the hundreds of millions of dollars in benefits the Land Grant Permanent Fund already delivers to New Mexico schools every year.

2. The amendment will eventually cause diminishing distributions due to a smaller fund corpus.

As a trust fund, the Land Grant Permanent Fund is invested to ensure sustainable growth over time. A larger fund equates to a larger distribution since the distributions from the fund are based on a percentage of the overall size of the fund. If more money is

distributed from the fund now, then less money will be available to invest, and the fund will grow at a lower rate over time. The outcome is that, while more money will be distributed from the fund, eventually the distribution based on a larger percentage from a slower-growing fund will be lower than if the current distribution rates are maintained. This point in time is often referred to as the "tipping point" and is estimated to occur at some point in the 2040s.[3] The timeline for this tipping point is dependent on investment returns over time; however, it will eventually occur, and when it does, the diminished distribution will exist for the life of the fund.

3. Congressional approval is required, and further legislative changes are likely necessary.

If this constitutional amendment were to be approved by voters, approval from the United States Congress is required prior to the changes taking effect. The Land Grant Permanent Fund was created when the State of New Mexico was established and is subject to the federal Enabling Act of 1910. This federal act requires that if the distributions to beneficiaries of the fund are changed, prior congressional approval is required. Further, the changes made in this constitutional amendment will likely require action by the New Mexico Legislature. Forty percent of the increased distribution is provided to the public-school permanent fund beneficiary. This flow of funding already exists and provides a funding source for public schools. However, 60% of the new distribution is to be provided for the provision of early childhood education. It is statutorily unclear how this money would be used and what state department, agency or entity would receive this distribution. As noted by the staff of the Legislative Education Study Committee, public schools are the primary beneficiaries of the Permanent School Fund, but most of these schools do not provide early childhood services. The State Investment Council has also noted that while public schools may be able to provide some early education programs, more than one-half of the beneficiaries either are not educational facilities

or do not have a mission related to early childhood education. Moreover, it may be unlawful to use money from a new distribution from the Permanent School Fund for many of the early childhood services that are currently provided by private entities through contracts with the state. According to the attorney general, funds from the Land Grant Permanent Fund are prohibited from being used for private schools or programs, including through contracts with a state agency, which the attorney general states "would simply be an artificial attempt to circumvent the prohibitions of the [Enabling] Act and state constitution".[4]

4. May not actually increase funding for public education or early childhood education.

This constitutional amendment will increase funding from the Land Grant Permanent Fund to be used for public education and early childhood education, at least in the short term. However, public education and early childhood education receive significant portions of their budgets from other sources, including other existing funds in state law and also General Fund appropriations that are made annually. This constitutional amendment does not ensure additional funding for at-risk students, additional school days, teacher compensation or early childhood education because nothing prevents the legislature from reducing the money it now provides for those purposes with appropriations for other purposes. This means that the state could lower distributions and appropriations from other funding sources for use elsewhere. While the potential freeing up of this funding for other uses could be framed as a benefit, the often-stated purpose of the constitutional amendment to increase funding for public education and early childhood education is not an inevitable outcome.

---

[3]**Legislative Finance Committee Fiscal Impact Report for HJR 1 (2021); https://www.nmlegis.gov/Sessions/21%20Regular/firs/HJR01.PDF**

[4]2012 Op. Att'y Gen. No. 12-03;
https://nmonesource.com/nmos/ag/en/item/5937/index.do

Source:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Full Text of Legislation

Note:
Underscored material = new language proposed for insertion
[Bracketed material] = existing language proposed for deletion

HOUSE JOINT RESOLUTION 1 – Proposing Constitutional Amendment 1

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT SCHOOL FUND FOR ENHANCED INSTRUCTION FOR STUDENTS AT RISK OF FAILURE, EXTENDING THE SCHOOL YEAR, TEACHER COMPENSATION AND EARLY CHILDHOOD EDUCATION; REQUIRING CONGRESSIONAL APPROVAL FOR DISTRIBUTIONS FOR EARLY CHILDHOOD EDUCATION.

SECTION 1. It is proposed to amend Article 12, Section 7 of the constitution of New Mexico to read:

"A. As used in this section, "[~~fund~~] land grant permanent funds" means the permanent school fund described in Article 12, Section 2 of this constitution and all other permanent funds derived from lands granted or confirmed to the state by the act of congress of June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and state government and be admitted into the union on an equal footing with the original states.".

B. The [~~fund~~] land grant permanent funds shall be invested by the state investment officer in accordance with policy [regulations] rules promulgated by the state investment council.

C. In making investments, the state investment officer, under the supervision of the state investment council, shall invest and manage the [~~fund~~] land grant permanent funds in accordance with the Uniform Prudent Investor Act.

D. The legislature may establish criteria for investing the [~~fund~~] land grant permanent funds if the criteria are enacted by a three-fourths' vote of the members elected to each house, but investment of the [fund] land grant permanent funds is subject to the following restrictions:

(1) not more than sixty-five percent of the book value of the [~~fund~~] land grant permanent funds shall be invested at any given time in corporate stocks;

(2) not more than ten percent of the voting stock of a corporation shall be held; and

(3) stocks eligible for purchase shall be restricted to those stocks of businesses listed upon a national stock exchange or included in a nationally recognized list of stocks.

E. All additions to the [~~fund~~] land grant permanent funds and all earnings, including interest, dividends and capital gains from investment of the [~~fund~~] land grant permanent funds shall be credited to the [~~fund~~] land grant permanent funds.

F. [~~Except as provided in Subsection G of this section~~] The annual distributions from the [~~fund~~] land grant permanent funds to the beneficiaries specified in the Ferguson Act and the Enabling Act shall be five percent of the average of the year-end market values of the [~~fund~~] land grant permanent funds for the immediately preceding five calendar years.

G. In addition to the annual [~~distribution~~] distributions made pursuant to Subsection F of this section, unless suspended pursuant to Subsection [~~H~~] J of this section, an [~~additional~~] annual distribution of one and one-fourth percent of the average of the year-end market value of the permanent school fund for the immediately preceding five calendar years shall be made [~~pursuant to the following schedule~~] as provided in Subsection H of this section; provided that [~~no~~] the additional distribution shall not be made [~~pursuant to the provisions of this subsection~~] in any fiscal year if the average of the year-end market values of the [~~fund~~] land grant permanent funds for the immediately preceding five calendar years is less than [~~ten billion dollars ($10,000,000,000)~~] seventeen billion dollars ($17,000,000,000).

~~[(1) in fiscal years 2005 through 2012, an amount equal to eight-tenths percent of the average of the year-end market values of the fund for the immediately preceding five calendar years; provided that any additional distribution from the permanent school fund pursuant to this paragraph shall be used to implement and maintain educational reforms as provided by law; and~~

~~(2) in fiscal years 2013 through 2016, an amount equal to one-half percent of the average of the year-end market values of the fund for the immediately preceding five calendar years; provided that any additional distribution from the permanent school fund pursuant to this paragraph shall be used to implement and maintain educational reforms as provided by law~~]

H. Unless suspended pursuant to Subsection G or J of this section, the additional distribution from the permanent school fund provided for in Subsection G of this section shall be as follows and as provided by law:

(1) forty percent of the additional distribution shall be for the public school permanent fund beneficiary

for enhanced instruction for students at risk of failure, extending the school year and public school teacher compensation; and

(2) sixty percent of the additional distribution shall be for the provision of early childhood education.

I. As used in this section, "early childhood education" means nonsectarian and nondenominational education for children until they are eligible for kindergarten.

[~~H.~~] J. The legislature, by a three-fifths' vote of the members elected to each house, may suspend any additional distribution provided for in Subsection G of this section."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

SECTION 3. The distribution provided for in Paragraph (2) of Subsection H of Section 7 of Article 12 of the constitution of New Mexico shall not become effective without the consent of congress.

Constitutional Amendment 2

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER SIMILAR SERVICES AS PROVIDED BY LAW, UPON THE ENACTMENT OF GENERAL IMPLEMENTING LEGISLATION BY A MAJORITY VOTE OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE.

For: _____ Against: _____

Purpose

Constitutional Amendment 2 would amend Article 9, Section 14 (commonly referred to as the "anti-donation clause") of the Constitution of New Mexico to allow the legislature to enact statutes that authorize the state to spend money to assist in the construction of utility lines or other infrastructure for energy, internet, water, wastewater and similar services for primarily residential purposes. If enacted, these statutes would be required to include provisions to safeguard public money and resources used for the utility line projects. Any provisions specifying the criteria, limitations or scope for such projects would be left to the implementing legislation.

Arguments For

1. The amendment would increase access to essential utility services.

Broadband internet, energy, water and wastewater services are essential utility services in today's world, and some communities in New Mexico still lack these basic services. The private sector on its own has been unwilling or unable to invest in utility service line build-outs in many, particularly rural, communities. Unless the current constitutional prohibition on the use of public funding is lifted to allow the state to address this problem, it may never be solved by the private sector. The proposed amendment would not only authorize direct state investment to ensure access to essential utility services by all New Mexicans but would also allow for the possibility of the creation of public-private partnerships to provide access for these services.

2. May assist the state with leveraging federal funding.

The current anti-donation prohibition limits New Mexico's ability to compete with other states regarding rural development and to access federal funding for such development projects. As an example, the communities connected to Interstate 395 along the eastern side of the Sierra Nevada mountain range in California face very similar geologic and population density challenges as many of New Mexico's mountainous areas. However, California was able to implement a program called "Digital 395" that used state dollars to leverage a federal assistance program created in 2009 for private, nonprofit internet providers to develop internet infrastructure connecting those communities. Because of anti-donation clause prohibitions, New Mexico was not able to implement a similar program to leverage the 2009 federal broadband money. The proposed amendment may give New Mexico the best chance to leverage its share of federal dollars to achieve the broadest access to internet service throughout the

state and to access federal funding for the provision of other essential household services.

3. May assist with ensuring that all New Mexicans have access to the internet.

Adoption of the proposed amendment could be particularly helpful with regard to building high-speed broadband internet infrastructure throughout the state. Now more than ever, access to high-speed internet is essential for distance learning, telemedicine and remote work. However, the Department of Information Technology, in its *State of New Mexico Broadband Strategic Plan and Rural Broadband Assessment* published in June 2020, reported that "a conservative analysis of State, ISP, and federal data identifies an estimated 196,000 locations in New Mexico that are unserved by broadband, or 20 percent of the State's approximately 940,000 homes and businesses". This means that one-fifth of the state's residents are unable to continue with their studies through remote learning, to work remotely or to access needed health care, not to mention accessing myriad other public and private resources found online. The proposed amendment would allow the state to invest in the broadband infrastructure that is needed for the full participation of all of New Mexico's residents in the modern world.

4. The contours of the implementing legislation would be vetted through the public legislative process.

Unlike a blanket "public benefit" exception that some states have applied to their anti-donation exemptions, adoption of the proposed amendment would be just the first step in a lengthy process to allow the use of public funds to provide access to essential household services. Similar to the exceptions that created the Local Economic Development Act and mortgage finance programs, both chambers of the legislature would need to pass implementing legislation for a utility assistance program to take effect. The proposed amendment also requires the

implementing legislation to "include safeguards to protect public money and other public resources used for the purposes authorized", and a considerable amount of deliberation will go into developing them. Before the implementing legislation reaches the floor of each house, it will go through the committee process, where it will be debated by the members after ample opportunity for public comment and be subject to amendment throughout the process.

Arguments Against

1. The proposed amendment lacks clarity and leaves too much discretion for future legislatures in enacting the implementing legislation.

The proposed amendment lacks clarity and leaves the details of the exception to implementing legislation enacted by a future legislature. For example, it is not clear from the text of the amendment exactly what projects state funds will be allowed to be used for, as those specifics will be laid out in the implementing legislation. Further, while the proposed amendment specifically enumerates internet, energy, water and wastewater as essential services, it also includes "other similar services as provided by law". This broad provision will be subject to wide interpretation by the legislature enacting the implementing legislation or its execution. This language leaves the door open for the provision of public assistance to private entities for services not contemplated in the adoption of the amendment and could be changed based on the political winds of future legislatures.

2. Public money may not be adequately safeguarded.

The anti-donation prohibition serves a valuable purpose, and any proposed exception should be viewed with caution. The purpose of an anti-donation clause is to ensure that taxpayer money is not being used to support or subsidize private gains without the state

receiving something of value in exchange for the transfer of money or property. However, this proposed amendment does not specify how the implementing legislation is to "safeguard public money" nor is there inclusion of a spending cap, so the actual fiscal implications for the state are unknown and could be far reaching. This lack of direction on specific requirements to safeguard public money could result in the legislature enacting implementing legislation that allows the use of state funds to provide a greater benefit to contractors and other businesses providing essential services rather than to the state residents who are in need of those services. Such effect would be contrary to the purpose of the anti-donation clause.

3. The growing exceptions to the anti-donation clause are swallowing the rule.

New Mexico's anti-donation clause is being whittled away. Since 1971, it has been amended six times to create exceptions, including carveouts to allow public funds to be used for the care and maintenance of sick and indigent persons; to stimulate job creation; to provide scholarship programs for certain veterans; to provide scholarship programs for aspiring health care providers; and to support the development of affordable housing. The growing number of exceptions are swallowing up the rule that prohibits state aid to private entities. Carving out more and more exceptions creates confusion regarding what is allowed and what is prohibited, and it begs the question of whether even more exceptions should be carved out or if it is time to get rid of the anti-donation clause in its entirety.

Source:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Note:
***Underscored Material** = new language proposed for insertion*
[Bracketed material] = existing language proposed for deletion

Full Text of Legislation

HOUSE JOINT RESOLUTION 1 - Proposed Constitutional Amendment 2

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER SIMILAR SERVICES AS PROVIDED BY LAW, UPON THE ENACTMENT OF GENERAL IMPLEMENTING LEGISLATION BY A MAJORITY VOTE OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. It is proposed to amend Article 9, Section 14 of the constitution of New Mexico to read:

"Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through [~~G~~] H of this section.

A. Nothing in this section prohibits the state or any county or municipality from making provision for the care and maintenance of sick and indigent persons.

B. Nothing in this section prohibits the state from establishing a veterans' scholarship program for Vietnam conflict veterans who are post-secondary students at educational institutions under the exclusive control of the state by exempting such veterans from the payment of tuition. For the purposes of

this subsection, a "Vietnam conflict veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces from New Mexico or who has lived in New Mexico for ten years or more and who has been awarded a Vietnam campaign medal for service in the armed forces of this country in Vietnam during the period from August 5, 1964 to the official termination date of the Vietnam conflict as designated by executive order of the president of the United States.

C. The state may establish by law a program of loans to students of the healing arts, as defined by law, for residents of the state who, in return for the payment of educational expenses, contract with the state to practice their profession for a period of years after graduation within areas of the state designated by law.

D. Nothing in this section prohibits the state or a county or municipality from creating new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses if this assistance is granted pursuant to general implementing legislation that is approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall include adequate safeguards to protect public money or other resources used for the purposes authorized in this subsection. The implementing legislation shall further provide that:

(1) each specific county or municipal project providing assistance pursuant to this subsection need not be approved by the legislature but shall be approved by the county or municipality pursuant to procedures provided in the implementing legislation; and

(2) each specific state project providing assistance pursuant to this subsection shall be approved by law.

E. Nothing in this section prohibits the state, or the instrumentality of the state designated by the legislature as the state's housing authority, or a county or a municipality from:

(1) donating or otherwise providing or paying a portion of the costs of land for the construction on it of affordable housing;

(2) donating or otherwise providing or paying a portion of the costs of construction or renovation of affordable housing or the costs of conversion or renovation of buildings into affordable housing; or

(3) providing or paying the costs of financing or infrastructure necessary to support affordable housing projects.

F. The provisions of Subsection E of this section are not self-executing. Before the described assistance may be provided, enabling legislation shall be enacted by a majority vote of the members elected to each house of the legislature. This enabling legislation shall:

(1) define "affordable housing";

(2) establish eligibility criteria for the recipients of land, buildings and infrastructure;

(3) contain provisions to ensure the successful completion of affordable housing projects supported by assistance authorized pursuant to Subsection E of this section;

(4) require a county or municipality providing assistance pursuant to Subsection E of this section to give prior formal approval by ordinance for a specific affordable housing assistance grant and include in the ordinance the conditions of the grant;

(5) require prior approval by law of an affordable housing assistance grant by the state; and

(6) require the governing body of the instrumentality of the state, designated by the

legislature as the state's housing authority, to give prior approval, by resolution, for affordable housing grants that are to be given by the instrumentality.

G. Nothing in this section prohibits the state from establishing a veterans' scholarship program, for military war veterans who are post-secondary students at educational institutions under the exclusive control of the state and who have exhausted all educational benefits offered by the United States department of defense or the United States department of veterans' affairs, by exempting such veterans from the payment of tuition. For the purposes of this subsection, a "military war veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces or who has lived in New Mexico for ten years or more and who has been awarded a southwest Asia service medal, global war on terror service medal, Iraq campaign medal, Afghanistan campaign medal or any other medal issued for service in the armed forces of this country in support of any United States military campaign or armed conflict as defined by congress or by presidential executive order or any other campaign medal issued for service after August 1, 1990 in the armed forces of the United States during periods of armed conflict as defined by congress or by executive order.

H. Nothing in this section prohibits the state from expending state funds or resources for the purpose of providing essential services primarily for residential purposes if the assistance is granted pursuant to general implementing legislation approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall provide for accessibility to essential services primarily for residential purposes and include safeguards to protect public money and other public resources used for the purposes authorized in this subsection. As used in this subsection,

"essential services" means infrastructure that allows internet, energy, water, wastewater or other similar services as provided by law."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

Constitutional Amendment 3

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT AN APPOINTED JUDGE SERVE AT LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE OFFICE TO WHICH THE JUDGE WAS APPOINTED.

For: _____ Against: _____

Purpose

Constitutional Amendment 3 proposes one substantive change and several technical changes to Article 6, Section 35 of the Constitution of New Mexico. Substantively, Constitutional Amendment 3 proposes to delay the general election for a seat to which a judge is appointed until after that judge has served on the court for one year following appointment by the governor. Technically, this constitutional amendment proposes to use gender-neutral language in Article 6, Section 35, i.e., changing "his application" to "the application" and "chairman" to "chair", and it also replaces the term "committee" with "commission" in several instances for consistency.

Arguments For

1. Allows the public to evaluate an appointed candidate on the merits prior to election.

Across New Mexico, the public has expressed a desire for increasing transparency in government. Constitutional Amendment 3 provides a different transparency — that of the ability to evaluate a candidate for a judicial position prior to electing a candidate. Voters can face difficulties being informed about candidates and relevant information. If the proposed amendment is adopted, candidates appointed to fill a judicial seat will have at least one year to serve on the bench before they face a general election. Appointed candidates who do not otherwise have judicial experience will not only have time to hone their judicial skills, but the public will be better able to observe their conduct as a judge. Armed with the record of performance, voters will be able to make a more educated decision on whether to vote for or against the appointee at the general election. Ideally, this will result in a public that has more knowledge of candidates who were appointed by the time those candidates face election.

2. Enables greater access by judicial candidates to public financing.

Judicial candidates are authorized to access public financing for elections pursuant to the Voter Action Act. When a judicial appointee must run for the office in a partisan election shortly after being appointed, the timelines for complying with the Voter Action Act are compressed, and, depending on the time between the appointment and the election, the appointee may not be able to meet the deadlines to qualify for the public financing. A purpose of including judicial candidates in the Voter Action Act is to take the influence of big money out of judicial elections, ensuring an independent judiciary. However, this purpose is nullified when appointed judges are unable to qualify for the

public financing because deadlines cannot be met due to the timing of the appointment and election. Requiring the election to be held at least one year after appointment provides ample time for an appointed judge to meet the deadlines of the Voter Action Act and qualify for the available public financing.

3. Helps with recruitment and diversity for judgeships.
Allowing an appointed judge to serve in the position for at least one year before having to run for the position in a partisan election will help with the recruitment of qualified, diverse applicants to the judgeship. Under the current language of Article 6, Section 35, the position will be subject to election at the next general election, which may only be a couple of months after appointment. Many people are unwilling to accept an appointment to a judgeship if they have to, for example, close down a private practice and wind-up relationships with clients without some assurance of being in the position for the long term. Approval of this proposed amendment would guarantee the appointee at least one year in the position before having to run for the office. This may be particularly beneficial to attorneys who work in private practice who otherwise may not choose to seek judicial positions, as these attorneys may be solo practitioners and might find it difficult to justify seeking appointment if they may serve for a short time.

Arguments Against

1. Delaying the election may have unintended consequences.
There could be unintended consequences if an election to fill the vacancy does not take place until the first general election following one year after appointment. For example, depending on when a vacancy is created and when the appointment to fill the vacancy is made, the appointee could serve up to three years in the position before the general election is held. Alternatively, because the person who wins the election serves out the remainder of the term that is in effect at the time of the election, if that term were to expire in December of the same year in which the election takes place, a scenario could be created in which the person who wins the election only serves a few weeks before the term ends at the end of the year, creating a new vacancy in the office that then would need to be filled by the governor. Additionally, a person running against an appointed judge in the general election may be disadvantaged by the appointee having more experience in the position before the election. The appointed judge may have greater name recognition, a record of performance known to the electorate and the benefit of being the incumbent by virtue of having been appointed to fill the vacancy in the position, which ordinarily would not be present in a partisan judicial race.

2. Unclear if the new language applies to judges other than appellate judges.
Article 6, Section 35 of the Constitution of New Mexico creates the Appellate Judges Nominating Commission, while Article 6, Section 36 and Article 6, Section 37 create the District Court Judges Nominating Committee and the Metropolitan Court Judges Nominating Committee, respectively. Both Section 36 and Section 37 state that "each and every provision of Section 35 of Article 6 of this constitution shall apply" to the respective nominating committee; however, it is not clear that the proposed

amendatory language to Section 35, providing that a judge serve at least one year before a general election is held for the office to which the judge was appointed, equally applies to district court judges and metropolitan court judges. This is because the proposed amendatory language to Section 35 is not directly related to the duties of the respective nominating committees, but rather to when an election takes place after an appointment to fill a vacancy is made. This ambiguity could lead to litigation over the application of the amendatory language to district court and metropolitan court judges.

3. Removes an inherently political decision from the political process for a longer period than the Constitution of New Mexico currently provides.

A potential issue in this proposed amendment is its policy goal of reducing the partisan nature of an inherently partisan, political process, while potentially increasing partisan division. Article 6, Section 35 of the Constitution of New Mexico requires diversity of "majority political parties" and the interests of the state with regard to those members of the Appellate Judges Nominating Commission who recommend appointments. Additionally, Article 6, Section 35 provides that the Appellate Judges Nominating Commission recommends candidates for appointment to the governor, but the governor ultimately appoints a successor in the event of a vacancy. Judicial candidates appointed by the governor face reelection at the next election. Thus, implied in Section 35 is a process that is political in nature, one that is reliant on partisanship, the decision of a governor, usually representing a major political party, and ultimately, the voice of the electorate. However, this amendment would require the public to refrain from participating in the political process for a year, at a minimum, prior to that appointed candidate facing the elective process. It is foreseeable that the public may ultimately associate its view of the appointed judge less on the judge's merits as shown in the year or more of service on the bench, and instead turn toward

the partisan positions of the governor who appointed the judge. This may further politicize what was meant to be an appointment to address a vacancy. Justified by policy ostensibly aimed at increasing candidates from private interests and outcomes that are seemingly speculative, if not entirely aspirational, it is questionable whether this outweighs the interest of the public to provide a quick vote on what was meant to address a mere vacancy.

Source:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Note:
Underscored Material = new language proposed for insertion
[Bracketed material] = existing language proposed for deletion

Full Text of Legislation

SENATE JOINT RESOLUTION 3 - Proposed Constitutional Amendment 3

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT AN APPOINTED JUDGE SERVE AT LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE OFFICE TO WHICH THE JUDGE WAS APPOINTED.

SECTION 1. It is proposed to amend Article 6, Section 35 of the constitution of New Mexico to read:

"There is created the "appellate judges nominating commission", consisting of: the chief justice of the supreme court or the chief justice's designee from the supreme court; two judges of the court of appeals appointed by the chief judge of the court of appeals; the governor, the speaker of the house of

representatives and the president pro tempore of the senate shall each appoint two persons, one of whom shall be an attorney licensed to practice law in this state and the other who shall be a citizen who is not licensed to practice law in any state; the dean of the university of New Mexico school of law, who shall serve as [~~chairman~~] chair of the commission and shall vote only in the event of a tie vote; four members of the state bar of New Mexico, representing civil and criminal prosecution and defense, appointed by the president of the state bar and the judges on [~~this committee~~] the commission. The appointments shall be made in such manner that each of the two largest major political parties, as defined by the Election Code, shall be equally represented on the commission. If necessary, the president of the state bar and the judges on [~~this committee~~] the commission shall make the minimum number of additional appointments of members of the state bar as is necessary to make each of the two largest major political parties be equally represented on the commission. These additional members of the state bar shall be appointed such that the diverse interests of the state bar are represented. The dean of the university of New Mexico school of law shall be the final arbiter of whether such diverse interests are represented. Members of the commission shall be appointed for terms as may be provided by law. If a position on the commission becomes vacant for any reason, the successor shall be selected by the original appointing authority in the same manner as the original appointment was made and shall serve for the remainder of the term vacated.

The commission shall actively solicit, accept and evaluate applications from qualified lawyers for the position of justice of the supreme court or judge of the court of appeals and may require an applicant to submit any information it deems relevant to the consideration of [~~his~~] the application.

Upon the occurrence of an actual vacancy in the office of justice of the supreme court or judge of the court of appeals, the commission shall meet within thirty days and within that period submit to the governor the names of persons qualified for the

judicial office and recommended for appointment to that office by a majority of the commission.

Immediately after receiving the commission nominations, the governor may make one request of the commission for submission of additional names, and the commission shall promptly submit such additional names if a majority of the commission finds that additional persons would be qualified and recommends those persons for appointment to the judicial office. The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in the office of justice of the supreme court or judge of the court of appeals within thirty days after receiving final nominations from the commission by appointing one of the persons nominated by the commission for appointment to that office. If the governor fails to make the appointment within that period or from those nominations, the appointment shall be made from those nominations by the chief justice or the acting chief justice of the supreme court. [~~Any~~] The person appointed shall serve until the [~~next~~] first general election [~~That person's~~] following one year after appointment. The appointee's successor shall be chosen at such election and shall hold the office until the expiration of the [~~original~~] term in effect at the time of election."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

Proposed: General Obligation Bonds

The following three general obligation bond questions will appear on all ballots for the General Election on November 8, 2022:

Bond Question 1:

"The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction and equipment acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed twenty-four million four hundred seventy thousand dollars ($24,470,000) to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For: _____ Against: _____

Bond Question 2:

"The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed nineteen million two hundred sixty-six thousand dollars ($19,266,000) to make capital expenditures for academic, public school, tribal and public library resource

acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For: _____ Against: _____

Bond Question 3:

"The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher education, special schools and tribal schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed two hundred fifteen million nine hundred eighty-six thousand dollars ($215,986,000) to make capital expenditures for certain higher education, special schools and tribal schools capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For: _____ Against: _____

Explanation of General Obligation Bonds and Taxes

A bond represents a debt for money borrowed by a government to finance capital improvement projects. The State of New Mexico promises to repay the amount borrowed, plus interest, over a period of time for each series of General Obligation bonds that are approved by voters. The bonds are called “General Obligation” because payment of the debt service (principal plus interest) is a general obligation of the State and its property owners through property taxation.

According to the Board of Finance Division of the NM Department of Finance and Administration, the specific amount of property taxes collected in a given year is attributable to a number of factors, including the amount of debt service required for existing General Obligation bonds, the projected debt service required for the new bond issue, the latest assessed valuation of net taxable property, cash balances in bond debt service accounts, the date of issuance, and the actual interest rate obtained on the bond sale.

2022 General Obligation Bond Projects (House Bill 153)

The New Mexico Legislature passed the 2022 Capital Projects General Obligation Bond Act detailing projects that would be funded by these bonds. No bonds will be issued or sold under the act until the state's registered voters have voted upon and approved the issuance of the bonds. Each bond question is voted upon separately with a "For" or "Against" question.

Purpose

The three 2022 bond questions ask for voter approval to issue general obligation bonds as follows:

BOND ISSUE 1, in an amount not to exceed $24,470,000 to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects.

The following projects have been specifically designated for funding by the sale of Bond Issue 1:

Acoma Pueblo Senior Center - Plan, Design, Construct, Renovate & replacement of wheelchair accessible doors	$75,000
Alcalde Senior Center - Vehicles	$70,000
Alejandro Ruiz Senior Center in Carlsbad – Renovations	$1,352,442
Alejandro Ruiz Senior Center in Carlsbad – Vehicles	$162,024
Alb. Senior Affairs – Nutrition & Transportation	$375,050
Amalia Senior Center in Taos County – Plan, Design, Construct, Equip & Furnish	$1,450,000
Barelas Senior Center in Alb – Meals Equipment & other Equipment	$40,141

Beatrice Martinez Senior Center in Espanola – Vehicles	$90,000
Belen Senior Center – Meals Equipment & other Equip	$58,000
Benny J. Chaves ***(also known as Chimayo Senior Center)*** – Renovations	$500,000
Bernalillo Senior Center – Renovations	$25,810
Bernalillo Senior Center – Vehicles	$30,000
Blanco Senior Center – Meals Equipment & other Equip	$24,000
Blanco Senior Center – Vehicles	$55,000
Bloomfield Senior Center – Renovations	$35,000
Bosque Farms Community Center - Vehicles	$55,000
Broadmoor Senior Center in Rio Rancho – Plan, Design, Construct, Equip & Furnish	$774,569
Carrizozo Senior Center – Vehicles	$48,429
Capitan Senior Center – Vehicles	$34,284
Chama Senior Center – Design	$75,000
Chimayo La Arboleda Senior Center – Vehicles	$70,000
Chimayo Senior Center ***(also known as Benny J. Chavez Comm. Center)*** Santa Fe County – Renovations	$500,000
Corona Senior Center – Vehicles	$34,284
Coyote Senior Center – Vehicles	$70,000
Del Rio Senior Center in Valencia County – Plan, Design, Construct, Equip & Furnish	$460,000
Del Rio Senior Center in Valencia County – Meals Equipment & other Equipment	$58,000
Deming Senior Center – Renovations	$57,579
Espanola Senior Center – Vehicles	$70,000
Estancia Senior Center - Renovations	$169,621
Fort Sumner Senior Center – Plan & Design	$75,000
Fort Sumner Senior Center – Vehicles	$50,000
Frank O'Brien Papen Comm. Center in Las Cruces – Renovations	$35,000
Gallup Senior Center – Plan, Design, Const. & Equip.	$5,415,300
Gallup Senior Center – Vehicles	$76,000
Gila Senior Center – Vehicles	$38,200
Glenwood Senior Center – Renovations	$ 90,000
Glenwood Senior Center - Vehicles	$52,000
Highland Senior Center Alb - Renovations	$353,358

Hobbs Senior Center – Vehicles	$60,500
Hondo Senior Center-Vehicles	$30,000
Laguna Senior Center – Plan, Design, Const. & Equip	$123,000
La Casa Senior Center – Improvements, Installation of Equipment & Building Systems	$43,500
Las Vegas Senior Center – Meals Equipment & other Equipment	$130,000
Las Vegas Senior Center – Vehicles	$140,000
Logan Senior Center – Renovations & Equipment	$62,262
Lower Valley Senior Center – Meals Equipment & other Equipment	$24,000
Mary Esther Gonzales Sr. Center in Santa Fe – Meals Equipment & other Equipment	$235,630
Meadow Lake Senior Center in Valencia County – Meals Equipment & other Equipment	$73,000
Meadowlark Senior Center in Rio Rancho – Renovations	$226,474
Mimbres Senior Center – Vehicles	$38,200
Moriarty Senior Center – Plan & Design	$53,599
Mountainair Senior Center – Renovations & Equip.	$158,861
North Valley Senior Center in Alb – Renovations	$2,971,442
Palo Duro Senior Center in Alb – Renovations	$1,000,000
Pasatiempo Senior Center in Santa Fe – Meals Equipment & other Equipment	$65,805
Pena Blanca Community Center – Vehicles	$30,208
Pojoaque Pueblo Senior Center – Plan, Design, Construct & Renovate	$100,000
Pueblo of Taos Senior Daycare Facility ***(NEW Senior Daycare Facility)*** – Construct & Equip	$822,000
Quemado Senior Center – Meals Equipment & other Equipment	$92,500
Questa Senior Center – Plan, Design, Construct, Equip & Furnish	$727,587
Robert P. Munson Senior Center Las Cruces – Design, Construct, Equip & Furnish	$666,199
Robert P. Munson Senior Center Las Cruces – Vehicles	$110,000
Raymond G. Sanchez Senior Center – Renovations	$235,000
Reserve Senior Center – Meal Equipment & other Equipment	$40,000
Reserve Senior Center – Renovations	$40,000
Ruidoso Community Center – Renovations	$94,000

Ruidoso Downs Senior Center – Vehicles	$48,429
San Felipe Pueblo Senior Center - Vehicles	$100,000
Santa Clara Pueblo Adult Daycare – Renovations	$116,237
Santa Clara Senior Center - Vehicles	$38,200
Santa Clara Pueblo Adult Daycare Center – Plan, Design, Construct & Renovate, Including Flooring & Lighting for the Pueblo of Santa Clara in Rio Arriba County	$500,00
Santa Cruz Senior Center – Plan, Design, Construct, Equip & Furnish	$2,041,441
Whispering Pines Senior Center - Renovations	$ 457,000

BOND ISSUE 2, in an amount not to exceed $19,266,000 to make capital expenditures for academic, public school, tribal and public library resource acquisitions.

Cultural Affairs Department: (a) six million dollars ($6,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at non-tribal public libraries statewide; and (b) one million dollars ($1,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at tribal libraries statewide.

Higher Education Department: six million dollars ($6,000,000) for supplemental library resource acquisitions, including books, equipment, electronic resources, collaborative library resources and information technology projects, for academic libraries statewide.

Public Education Department: six million dollars ($6,000,000) for equipment and supplemental library resource acquisitions, including print, non-print and electronic resources, at public school libraries statewide.

BOND ISSUE 3, in an amount not to exceed $215,986,000 to make capital expenditures for certain higher education, special schools, and tribal schools capital improvements and acquisitions.

The following higher education, special schools and tribal schools have been specifically designated for funding by the sale of Bond 3:

Clovis Comm. College – Plan, Design, Infrastructure Improvements	$1,685,000
CNMCC – Plan, Design, Construct, Furnish, Equip, Trades & Applied Technologies Facility	$15,000,000
Dine College Shiprock - Plan, Design, Construct, Furnish & Equip Student Services Facility	$5,000,000
ENMU Roswell – Plan, Design, Construct & Renovate, Physical Ed. Center, Arts & Science	$2,475,000
ENMU – Plan, Design, Construct, Furnish & Equip Student Academic Services	$9,000,000
Luna Comm. College - Plan, Design, Construct, Furnish & Equip Infrastructure Improvements	$1,500,000
Navajo Technical Univ. – Plan, Design, Construct, Furnish & Equip a Trades Building	$4,00,000
NM Highlands Univ. – Plan, Design, Construct, Furnish & Equip a Facility Building	$4,500,000
NM Institute of Mining & Tech. – Plan, Design, Construct, Furnish & Equip Improvements to the Playas Training & Research Center	$5,000,000
NM Institute of Mining & Tech. – Plan, Design, Construct, Furnish & Equip Kelly Hall	$3,300,000
NM Junior College – Plan, Design, Construct, Furnish & Equip a Vocational Trades Building	$2,100,000
NM Military Institute in Roswell - Plan, Design, Construct, Furnish & Equip an Expansion to Bates Hall	$4,000,000

NM School for the Blind & Visually Impaired – Plan, Design, Construct, Furnish & Equip a Residential Cottage	$4,000,000
NM School for the Deaf in Alb - Plan, Design, Construct, Furnish & Equip	$1,400,000
NMSU Las Cruces - Plan, Design, Construct, Furnish & Equip a College Engineering Facility including Demolition of Thomas & Brown Hall	$22,500,000
NMSU Las Cruces - Plan, Design, Construct, Furnish & Equip the Health & Social Sciences Bldg. & O'Donnell Hall	$13,500,000
NMSU Las Cruces - Plan, Design, Construct, Furnish & Equip the School of Nursing & Simulation Center in the Health & Social Services Bldg.	$2,000,000
NMSU Las Cruces - Plan, Design, Construct, Furnish & Equip Including Abatement & demolition, the NM Dept. of Agriculture Bldg.	$10,500,000
NMU Dona Ana - Plan, Design, Construct, Renovate & Equip Infrastructure Improv. & Replacement of Roof	$1,350,000
NMU Grants - Plan, Design, Construct, Renovate & Equip Infrastructure Improv. Including Roof Replacement to Martinez Hall	$1,250,000
Northern NM State School Espanola – Plan, design, Construct & Repair Infrastructure Improv.	$3,000,000
San Juan College - Plan, Design, Construct, Furnish & Equip Information Tech. Infrastructure	$3,000,000
Santa Fe Comm. College - Plan, Design, Construct, Renovate & Equip Information Tech. Infrastructure	$2,300,000
UNM Alb – Plan, Design, Construct, Furnish & equip a new center for Collaborative Art & Tech.	$45,000,000
UNM Alb – Plan, Design, Construct, Renovate, Furnish & Equip a Children's Psychiatric Center for the Health Sciences Center	$36,000,000
UNM Gallup – Plan, Design, Construct, Renovate & Equip Infrastructure Improv to Gurley Hall	$3,000,000
UNM Los Alamos - Plan, Design, Construct, Renovate, Furnish & Equip Infrastructure Improv.	$1,300,000
UNM Taos – Plan, Design, Construct, Renovate, Furnish & Equip Renovations and addition to Fred Peralta Hall	$3,000,000
UNM Valencia - Plan, Design, Construct, Renovate, Furnish & Improvements, including Roof Replacement & Solar Installation to the Learning Commons Resource Center	$900,000

Western UNM Deming – Plan, Design, Construct, Furnish & Equip a Deming Learning Center	$2,000,000
Western NMU Silver City – Plan, design, Construct, Renovate, Furnish & Equip Infrastructure Improv. Including Roadway Improvements	$2,000,000

Fiscal Implications

Based on the assumption that all three bond questions described will be approved by voters, the property tax year 2021 mil levy has been set at 1.36 mils, which is the same as the 2019 and 2020 rates. The State Board of Finance estimates if all three bond questions are approved by the voters, the cost of repaying the bonds over a ten-year period would be approximately $11.13 per $100,000 of asset value per year. Of the annual average $11.13, Bond Question 1 accounts for $1.05, Bond Question 2 accounts for $0.82, and Bond Question 3 accounts for $9.26.

The total for all three questions, including bond issuance costs, is **$259,722,000.**

A complete breakdown of the designated projects under each bond issue can be found on the New Mexico Legislature's website:
https://nmlegis.gov/Sessions/22%20Regular/final/HB0153.pdf

Source: NM Department of Finance and Administration.

Additional Resources

Additional information on the proposed constitutional amendments and general obligation bonds can be found at the following sites:

House Joint Resolution 1 - Constitutional Amendment 1:
https://www.nmlegis.gov/Sessions/21%20Regular/final/HJR01.pdf

House Joint Resolution 1 – Constitutional Amendment 2:
https://www.nmlegis.gov/Sessions/22%20Regular/final/HJR01.pdf

Senate Joint Resolution – Constitution Amendment 3:
https://www.nmlegis.gov/Sessions/22%20Regular/final/SJR03.pdf

House Bill 153 – General Obligation Bonds:
https://www.nmlegis.gov/Sessions/22%20Regular/final/HB0153.pdf

General Obligation Bond Projects Chart by County:
https://www.nmlegis.gov/Publications/Capital_Outlay/HTRC%20SUB%20HB153%20Projects%20by%20County%20with%20Governors%20Actions,%202022.pdf

The League of Women Voters of New Mexico:
www.lwvnml.org

The New Mexico Secretary of State's Office:
www.sos.state.nm.us

El Secretario de Estado de Nuevo México

2022 ELECCIÓN GENERAL

GUÍA DE VOTACIÓN

Enmiendas constitucionales propuestas, bonos de obligación general & Información general sobre la votación en Nuevo México

La votación adelantada comienza el 11 de octubre de 2022
El día de las elecciones es el 8 de noviembre de 2022
www.NMVOTE.org

Tabla de contenidos

Información General	4
Propuesta: Enmienda Constitucional 1	6
Propósito	7
Argumentos a favor	8
Argumentos en contra	10
Texto íntegro de la legislación	13
Propuesta: Enmienda Constitucional 2	17
Propósito	17
Argumentos a favor	18
Argumentos en contra	20
Texto íntegro de la legislación	22
Propuesta: Enmienda Constitucional 3	26
Propósito	26
Argumentos a favor	27
Argumentos en contra	29
Texto íntegro de la legislación	31
Propuesta: Fianzas de Obligación General	34
Explicación de los bonos e impuestos de GO	36
Propósito	37
Implicaciones fiscales	43
Recursos adicionales	44

Información General

En las sesiones legislativas de 2021 y 2022, la Legislatura de Nuevo México aprobó tres resoluciones conjuntas que proponen enmiendas a la constitución estatal. Las enmiendas propuestas aparecerán en la boleta electoral del 8 de noviembre de 2022.

La Constitución de Nuevo México establece que la legislatura, por un voto mayoritario de todos los miembros elegidos para cada cámara, puede proponer enmiendas que revisen la constitución, y que las enmiendas propuestas deben presentarse a los votantes del estado para su aprobación. Una enmienda propuesta se convierte en parte de la constitución del estado si la mayoría de los votos emitidos en una elección sobre la propuesta se emiten a su favor, a menos que la enmienda propuesta afecte una de las secciones de la constitución para las cuales se requiere una mayoría de tres cuartos. (Las enmiendas constitucionales propuestas este año no afectan a ninguna de esas secciones y, por lo tanto, solo requieren un voto de mayoría simple para ser aprobadas). Las enmiendas constitucionales propuestas entrarán en vigencia una vez aprobadas por los votantes, a menos que se proporcione una fecha de vigencia dentro del texto de la enmienda propuesta.

Para las enmiendas propuestas que aparecerán en la boleta electoral del 8 de noviembre de 2022, esta guía contiene el texto de las resoluciones conjuntas que proponen las enmiendas junto con las declaraciones de propósito de las

enmiendas. Los argumentos a favor y en contra de las enmiendas, así como el análisis adicional, están disponibles en los sitios web proporcionados.

La legislatura también aprobó un proyecto de ley que propone tres bonos de obligación general (GO). Estos bonos propuestos también deben presentarse a los votantes del estado para su aprobación. Los bonos de obligación general son un tipo de bono garantizado por el uso por parte del estado de los recursos legalmente disponibles. El texto de cada pregunta de la boleta se incluye aquí, junto con una declaración de la función del bono y el impacto fiscal. Los argumentos a favor y en contra de los bonos propuestos, junto con análisis adicionales, están disponibles en los sitios web proporcionados.

Renuncia

La oficina de la Secretaria de Estado está incluyendo el texto de cada pregunta propuesta en la boleta electoral estatal para aparecer en la boleta en las Elecciones Generales de 2022. También se ha proporcionado una breve declaración de propósito o función para cada pregunta. Se incluyen enlaces y referencias adicionales para que el votante revise el lenguaje completo del proyecto de ley u obtenga información adicional sobre los temas. El análisis presentado en esta guía fue desarrollado por una variedad de fuentes y no refleja necesariamente las opiniones de la oficina de la Secretaria de Estado. En cambio, esta guía intenta proporcionar a los votantes varios recursos para revisar las enmiendas y llegar a sus propias conclusiones.

Propuesta: Enmiendas constitucionales

Las siguientes preguntas sobre las enmiendas constitucionales aparecerán en todas las boletas para las Elecciones Generales del 8 de noviembre de 2022:

Enmienda Constitucional 1

SE PROPONE ENMENDAR EL ARTÍCULO 12, SECCIÓN 7 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER DISTRIBUCIONES ANUALES ADICIONALES DEL FONDO ESCOLAR PERMANENTE PARA LA INSTRUCCIÓN AUMENTADA DE ESTUDIANTES EN RIESGO DE FRACASO, EXTENDER EL AÑO ESCOLAR, COMPENSACIÓN PARA EDUCADORES Y EDUCACIÓN DE LA PRIMERA INFANCIA; REQUIRIENDO LA APROBACIÓN DEL CONGRESO SOBRE LAS DISTRIBUCIONES PARA EDUCACIÓN DE LA PRIMERA INFANCIA.

A favor: _____ En contra: _____

Propósito

La Enmienda Constitucional 1 propone enmendar el Artículo 12, Sección 7 de la Constitución de Nuevo México para proporcionar distribuciones adicionales de los fondos permanentes de concesión de tierras. Estas distribuciones adicionales serían por un monto de 1.25% del promedio del valor de mercado de fin de año del Fondo Permanente de Escuelas para los cinco años calendario inmediatamente anteriores. El cuarenta por ciento de la distribución adicional del 1.25% se distribuiría a las escuelas públicas para mejorar la instrucción de los estudiantes en riesgo, extendiendo el año escolar y la compensación de los maestros, y el 60% de la distribución adicional del 1.25% sería para proporcionar educación de la primera infancia, que se define como educación no sectaria y no denominacional para los niños hasta que sean elegibles para el jardín de infantes. La Enmienda Constitucional 1 permitiría a la legislatura suspender estas distribuciones adicionales por un voto de tres quintos y suspendería automáticamente la distribución adicional si los valores promedio de mercado de cinco años de los fondos permanentes de concesión de tierras caen por debajo de $ 17 mil millones. Si la Enmienda Constitucional 1 es aprobada por los votantes, aún requeriría la aprobación del Congreso antes de entrar en vigencia.

Argumentos a favor

1. Proporcionaría fondos adicionales y necesarios para las escuelas públicas y la educación de la primera infancia.
Con la distribución adicional propuesta del Fondo Permanente de Concesión de Tierras en esta enmienda constitucional, los programas de educación pública y educación de la primera infancia recibirán un aumento en la financiación educativa en todo el estado de ese fondo. Según las estimaciones del Comité de Finanzas Legislativas, que dependen de los rendimientos proyectados de la inversión, el aumento de la distribución del 1.25% en la enmienda constitucional podría resultar en la distribución de $211.5 millones adicionales en fondos para la educación en el año fiscal 2023. Esto proporcionaría aproximadamente $126.9 millones para la educación de la primera infancia y $84.6 millones para la educación pública. El financiamiento adicional proyectado para la educación de la primera infancia puede ayudar a cerrar la brecha de financiamiento que el Departamento de Educación y Cuidado de la Primera Infancia presentó en sus planes financieros recientes, que estimaron que se necesitaban $505 millones adicionales para el año fiscal 2026 para proporcionar a Nuevo México acceso universal a los servicios de la primera infancia. Además, los fondos para la educación pública se utilizarían para mejorar la instrucción de los estudiantes en riesgo de fracaso, la extensión del año escolar y la compensación de los maestros de las escuelas públicas.

2. La programación educativa de la primera infancia proporciona un beneficio significativo en los resultados de los estudiantes.
Según un informe de 2020 del Comité de Finanzas Legislativas, los programas de pre-kindergarten se encuentran entre las medidas de reforma educativa más efectivas para mejorar los resultados de los estudiantes.[1] La participación en el pre-

kindergarten condujo a tasas más altas de graduación de la escuela secundaria, y la participación en pre-kindergarten para los estudiantes con necesidades especiales también condujo a mejores resultados. El Comité de Finanzas Legislativas, a través de su informe, vio un aumento en las tasas de graduación para los estudiantes del idioma inglés y los participantes de bajos ingresos, una reducción en la retención de grado y una reducción en el ausentismo crónico. Además, la participación en programas de pre-kindergarten se correlacionó con puntajes más altos en las pruebas a lo largo de las carreras académicas de los estudiantes.

3. El aumento de los resultados de los estudiantes proporciona beneficios directos a los contribuyentes y al estado.

Proporcionar más programas de educación de la primera infancia de alta calidad no solo ha demostrado tener un mayor impacto en los resultados educativos de los estudiantes, sino que también proporciona un retorno significativo de la inversión. El beneficio para los contribuyentes de los programas de pre-kindergarten se estima en $16,000 por estudiante.[2] Estos beneficios son el resultado de que aquellos estudiantes en promedio ganan salarios de por vida más altos y pagan impuestos más altos, así como ahorros resultantes de un menor gasto en delitos y programas sociales. El aumento del gasto en educación de la primera infancia y escuelas públicas, según lo dispuesto en esta enmienda constitucional, puede capitalizar aún más este retorno de la inversión.

---

[1] Informe de Calidad y Resultados Educativos del Comité de Finanzas Legislativas Prekindergarten; https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/Prekindergarten%20Quality%20and%20Educational%20Outcomes.pdf.

[2] *Ídem.*

Argumentos en contra

1. Hay otros fondos disponibles para lograr el objetivo declarado de la enmienda constitucional propuesta.
Puede ser que el financiamiento proporcionado por una nueva distribución provista en esta enmienda constitucional propuesta no sea necesario para financiar suficientemente los programas de la primera infancia. En 2020, como alternativa a una propuesta similar a esta enmienda constitucional, el estado creó un nuevo fondo fiduciario, el Fondo de Educación y Cuidado de la Primera Infancia. La ley establece que el fondo distribuye al menos $30 millones para servicios y programas de educación y cuidado de la primera infancia cada año. El Comité de Finanzas Legislativas proyecta que las distribuciones del fondo para la educación y los servicios de la primera infancia alcanzarán los $68.25 millones en el año fiscal 2024, $127.97 millones en el año fiscal 2025 y $173 millones en el año fiscal 2026, proporcionando casi tres cuartas partes de los $505 millones que el Departamento de Educación y Cuidado de la Primera Infancia estima que se necesitan para el año fiscal 2026 para proporcionar a Nuevo México acceso universal a los servicios de la primera infancia. Se estima que la propuesta en la resolución conjunta proporcionará $134.31 millones en el año fiscal 2024 y $141.3 millones en el año fiscal 2025. En lugar de arriesgar el corpus del Fondo Permanente de Concesión de Tierras y una reducción posiblemente significativa en las distribuciones futuras a los beneficiarios existentes, puede ser más apropiado confiar en este recurso existente para financiar programas de la primera infancia y permitir el crecimiento continuo de los cientos de millones de dólares en beneficios que el Fondo Permanente de Concesión de Tierras ya entrega a las escuelas de Nuevo México cada año.

2. La enmienda eventualmente causará distribuciones decrecientes debido a un corpus de fondos más pequeño.
Como fondo fiduciario, el Fondo Permanente de Concesión de Tierras se invierte para garantizar un crecimiento sostenible en el tiempo. Un fondo más grande equivale a una distribución más

grande, ya que las distribuciones del fondo se basan en un porcentaje del tamaño total del fondo. Si se distribuye más dinero del fondo ahora, entonces habrá menos dinero disponible para invertir, y el fondo crecerá a una tasa más baja con el tiempo. El resultado es que, si bien se distribuirá más dinero del fondo, eventualmente la distribución basada en un mayor porcentaje de un fondo de crecimiento más lento será menor que si se mantienen las tasas de distribución actuales. Este punto en el tiempo a menudo se conoce como el "punto de inflexión" y se estima que ocurrirá en algún momento de la década de 2040.3 La línea de tiempo para este punto de inflexión depende de los rendimientos de la inversión a lo largo del tiempo; sin embargo, eventualmente ocurrirá, y cuando lo haga, la distribución disminuida existirá durante la vida del fondo.

3. Se requiere la aprobación del Congreso, y es probable que se necesiten más cambios legislativos.

Si esta enmienda constitucional fuera aprobada por los votantes, se requiere la aprobación del Congreso de los Estados Unidos antes de que los cambios entren en vigencia. El Fondo Permanente de Concesión de Tierras fue creado cuando se estableció el Estado de Nuevo México y está sujeto a la Ley Federal de Habilitación de 1910. Esta ley federal requiere que si se cambian las distribuciones a los beneficiarios del fondo, se requiere la aprobación previa del Congreso. Además, los cambios realizados en esta enmienda constitucional probablemente requerirán la acción de la Legislatura de Nuevo México. El cuarenta por ciento del aumento de la distribución se proporciona al beneficiario del fondo permanente de la escuela pública. Este flujo de fondos ya existe y proporciona una fuente de financiación para las escuelas públicas. Sin embargo, el 60% de la nueva distribución se destinará a la educación de la primera infancia. No está claro por ley cómo se usaría este dinero y qué departamento, agencia o entidad del estado recibiría esta distribución. Como señaló el personal del Comité de Estudio de la Educación Legislativa, las escuelas públicas son los principales beneficiarios del Fondo Escolar Permanente, pero la mayoría de estas escuelas no prestan servicios para la primera infancia. El Consejo Estatal de Inversiones también ha señalado que, si bien las escuelas públicas pueden proporcionar algunos programas de

educación temprana, más de la mitad de los beneficiarios no son instalaciones educativas o no tienen una misión relacionada con la educación de la primera infancia. Además, puede ser ilegal utilizar dinero de una nueva distribución del Fondo Escolar Permanente para muchos de los servicios de la primera infancia que actualmente prestan entidades privadas a través de contratos con el Estado. Según el fiscal general, los fondos del Fondo Permanente de Concesión de Tierras tienen prohibido ser utilizados para escuelas o programas privados, incluso a través de contratos con una agencia estatal, lo que el fiscal general afirma que "sería simplemente un intento artificial de eludir las prohibiciones de la Ley [Habilitante] y la constitución estatal". [4]

4. En realidad, puede que no aumenta los fondos para la educación pública o la educación de la primera infancia.

Esta enmienda constitucional aumentará los fondos del Fondo Permanente de Concesión de Tierras para ser utilizados para la educación pública y la educación de la primera infancia, al menos en el corto plazo. Sin embargo, la educación pública y la educación de la primera infancia reciben porciones significativas de sus presupuestos de otras fuentes, incluidos otros fondos existentes en la ley estatal y también las asignaciones del Fondo General que se realizan anualmente. Esta enmienda constitucional no garantiza fondos adicionales para estudiantes en riesgo, días escolares adicionales, compensación de maestros o educación de la primera infancia porque nada impide que la legislatura reduzca el dinero que ahora proporciona para esos fines con asignaciones para otros fines. Esto significa que el estado podría reducir las distribuciones y asignaciones de otras fuentes de financiamiento para su uso en otros lugares. Si bien la posible liberación de estos fondos para otros usos podría enmarcarse como un beneficio, el propósito a menudo declarado de la enmienda constitucional de aumentar los fondos para la educación pública y la educación de la primera infancia no es un resultado inevitable.

[3]Informe de Impacto Fiscal del Comité de Finanzas Legislativas para HJR 1 (2021); https://www.nmlegis.gov/Sessions/21%20Regular/firs/HJR01.PDF

[4]2012 Op. Att'y Gen. No. 12-03;
https://nmonesource.com/nmos/ag/en/item/5937/index.do

Fuente:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Texto íntegro de la legislación

Nota:
***Material subrayado** = nuevo lenguaje propuesto para la inserción*
***[Material entre corchetes]** = texto existente propuesto para su supresión*

RESOLUCIÓN COMÚN DE LA CÁMARA 1 – Propuesta Enmienda Constitucional 1

SE PROPONE ENMENDAR EL ARTÍCULO 12, SECCIÓN 7 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER DISTRIBUCIONES ANUALES ADICIONALES DEL FONDO ESCOLAR PERMANENTE PARA LA INSTRUCCIÓN AUMENTADA DE ESTUDIANTES EN RIESGO DE FRACASO, EXTENDER EL AÑO ESCOLAR, COMPENSACIÓN PARA EDUCADORES Y EDUCACIÓN DE LA PRIMERA INFANCIA; REQUIRIENDO LA APROBACIÓN DEL CONGRESO SOBRE LAS DISTRIBUCIONES PARA EDUCACIÓN DE LA PRIMERA INFANCIA.

SECCIÓN 1. Se propone enmendar el Artículo 12, Sección 7 de la Constitución de Nuevo México para que diga:

"A. Como se usa en esta sección, "[~~financiar~~] fondos permanentes de concesión de tierras" significa el fondo escolar permanente descrito en el Artículo 12, Sección 2 de esta constitución y todos los demás fondos permanentes derivados de tierras otorgadas o confirmadas al estado por el acta del congreso del 20 de junio de 1910, titulada "Una ley para permitir que el pueblo de Nuevo México forme una constitución y un gobierno

estatal y sea admitido en la unión en igualdad de condiciones con los estados originales.".

B. Los fondos permanentes de concesión de tierras [~~del fondo~~] serán invertidos por el oficial de inversiones del estado de acuerdo con las reglas [reglamentarias] de política promulgadas por el consejo estatal de inversiones.

C. Al realizar inversiones, el oficial de inversiones del Estado, bajo la supervisión del Consejo Estatal de Inversiones, invertirá y administrará los fondos permanentes de concesión de tierras [~~del fondo~~] de conformidad con la Ley Uniforme de Inversores Prudentes.

D. La legislatura puede establecer criterios para invertir los fondos permanentes de concesión de tierras [~~fondo~~] si los criterios se promulgan por el voto de tres cuartas partes de los miembros elegidos para cada cámara, pero la inversión de los fondos permanentes de concesión de tierras [fondo] está sujeta a las siguientes restricciones:

(1) no más del sesenta y cinco por ciento del valor contable de los fondos permanentes de concesión de tierras [~~fondo~~] se invertirá en un momento dado en acciones corporativas;

(2) no se mantendrá más del diez por ciento de las acciones con derecho a voto de una corporación; y

(3) las existencias elegibles para la compra se limitarán a las acciones de empresas que cotizan en una bolsa de valores nacional o que se incluyen en una lista de acciones reconocida a nivel nacional.

E. Todas las adiciones a los fondos permanentes de concesión de tierras [~~fondo~~] y todas las ganancias, incluidos los intereses, dividendos y ganancias de capital de la inversión de los fondos permanentes de concesión de tierras [~~fondo~~] se acreditarán a los fondos permanentes de concesión de tierras [~~fondo~~].

F. [~~Salvo lo dispuesto en la Subsección G de esta sección~~] Las distribuciones anuales de los fondos permanentes de concesión de tierras [del ~~fondo~~] a los beneficiarios especificados en la Ley Ferguson y la Ley de Habilitación serán del cinco por ciento del promedio de los valores de mercado de fin de año de los fondos permanentes de concesión de tierras [~~fondo~~] para los cinco años civiles inmediatamente anteriores.

G. Además de las distribuciones anuales [~~de distribución~~] realizadas de conformidad con la Subsección F de esta sección, a menos que se suspenda de conformidad con la Subsección [~~H~~] J de esta sección, se realizará una distribución anual [~~adicional~~] de uno y un cuarto por ciento del promedio del valor de mercado de fin de año del fondo escolar permanente para los cinco años calendario inmediatamente anteriores [~~de conformidad con el siguiente cronograma~~] según lo dispuesto en la Subsección H de esta sección; siempre que [~~no~~] la distribución adicional no se realice [~~de conformidad con las disposiciones de esta subsección~~] en ningún año fiscal si el promedio de los valores de mercado de fin de año del [~~fondo~~] de tierras otorga fondos permanentes para los cinco años calendario inmediatamente anteriores es menos de [~~diez mil millones de dólares ($ 10,000,000,000)~~] diecisiete mil millones de dólares ($ 17,000,000,000).

~~[(1) en los años fiscales 2005 a 2012, un monto igual a ocho décimas por ciento del promedio de los valores de mercado de fin de año del fondo para los cinco años calendario inmediatamente anteriores; siempre que cualquier distribución adicional del fondo escolar permanente de conformidad con este párrafo se utilizará para implementar y mantener las reformas educativas según lo dispuesto por la ley; y~~

~~(2) en los años fiscales 2013 a 2016, un monto igual a la mitad por ciento del promedio de los valores de mercado de fin de año del fondo para los cinco años calendario inmediatamente anteriores; siempre que cualquier distribución adicional del fondo escolar permanente de conformidad con este párrafo se utilizará~~

~~para implementar y mantener las reformas educativas según lo dispuesto por la ley~~]

H. A menos que se suspenda de conformidad con la Subsección G o J de esta sección, la distribución adicional del fondo escolar permanente previsto en la Subsección G de esta sección será la siguiente y según lo dispuesto por la ley:

(1) el cuarenta por ciento de la distribución adicional será para el beneficiario del fondo permanente de la escuela pública para la instrucción mejorada para estudiantes en riesgo de fracaso, extendiendo el año escolar y la compensación de maestros de escuelas públicas; y

(2) El sesenta por ciento de la distribución adicional será para la provisión de educación de la primera infancia.

I. Tal como se utiliza en esta sección, "educación de la primera infancia" significa educación no sectaria y no denominacional para los niños hasta que sean elegibles para el jardín de infantes.

[~~H.~~] J. La legislatura, por el voto de tres quintos de los miembros elegidos para cada cámara, podrá suspender cualquier distribución adicional prevista en la Subsección G de esta sección".

SECCIÓN 2. La enmienda propuesta por esta resolución será sometida al pueblo para su aprobación o rechazo en las próximas elecciones generales o en cualquier elección especial anterior a esa fecha que pueda convocarse al efecto.

SECCIÓN 3. La distribución prevista en el párrafo (2) de la subsección H de la sección 7 del artículo 12 de la constitución de Nuevo México no entrará en vigencia sin el consentimiento del congreso.

Enmienda Constitucional 2

SE PROPONE ENMENDAR EL ARTÍCULO 9, SECCIÓN 14 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PERMITIR INVERSIÓN PÚBLICA PARA PROVEER ACCESO A SERVICIOS ESENCIALES DEL HOGAR, INCLUYENDO INTERNET, ENERGÍA, AGUA, AGUAS RESIDUALES Y OTROS SERVICIOS SIMILARES SEGÚN LO PREVISTO POR LA LEY, CUANDO SE ESTABLEZCA LA LEGISLACIÓN GENERAL DE IMPLEMENTACIÓN POR VOTO MAYORITARIO DE LOS MIEMBROS ELECTOS A CADA CÁMARA DE LA LEGISLATURA.

A favor: _____ En contra: _____

Propósito

La Enmienda Constitucional 2 enmendaría el Artículo 9, Sección 14 (comúnmente conocida como la "cláusula anti-donación") de la Constitución de Nuevo México para permitir que la legislatura promulgue estatutos que autoricen al estado a gastar dinero para ayudar en la construcción de líneas de servicios públicos u otra infraestructura para energía, internet, agua, aguas residuales y servicios similares para fines principalmente residenciales. Si se promulgan, se requeriría que estos estatutos incluyan disposiciones para salvaguardar el dinero público y los recursos utilizados para los proyectos de líneas de servicios públicos. Cualquier disposición que especifique los criterios, las limitaciones o el alcance de dichos proyectos se dejaría en manos de la legislación de aplicación.

Argumentos a favor

1. La enmienda aumentaría el acceso a los servicios públicos esenciales.

Internet de banda ancha, energía, agua y servicios de aguas residuales son servicios públicos esenciales en el mundo de hoy, y algunas comunidades en Nuevo México todavía carecen de estos servicios básicos. El sector privado por sí solo no ha querido o no ha podido invertir en la construcción de líneas de servicios públicos en muchas comunidades, particularmente rurales. A menos que se levante la actual prohibición constitucional sobre el uso de fondos públicos para permitir que el Estado aborde este problema, es posible que el sector privado nunca lo resuelva. La enmienda propuesta no sólo autorizaría la inversión estatal directa para garantizar el acceso a los servicios públicos esenciales por parte de todos los nuevo mexicanos sino que también permitiría la posibilidad de la creación de asociaciones público-privadas para proporcionar acceso a estos servicios.

2. Puede ayudar al estado a movilizar fondos federales.

La prohibición actual contra la donación limita la capacidad de Nuevo México para competir con otros estados con respecto al desarrollo rural y para acceder a fondos federales para tales proyectos de desarrollo. Como ejemplo, las comunidades conectadas a la Interestatal 395 a lo largo del lado este de la cordillera de Sierra Nevada en California enfrentan desafíos geológicos y de densidad de población muy similares a los de muchas de las áreas montañosas de Nuevo México. Sin embargo, California pudo implementar un programa llamado "Digital 395" que utilizó dólares estatales para aprovechar un programa de asistencia federal creado en 2009 para proveedores de Internet privados y sin fines de lucro para desarrollar infraestructura de Internet que conecte a esas comunidades. Debido a las prohibiciones de la cláusula anti-donación, Nuevo México no pudo implementar un programa similar para aprovechar el dinero federal de banda ancha de 2009. La enmienda propuesta puede darle a Nuevo México la mejor oportunidad de aprovechar su parte de los dólares federales

para lograr el acceso más amplio al servicio de Internet en todo el estado y para acceder a fondos federales para la provisión de otros servicios domésticos esenciales.

3. Puede ayudar a garantizar que todos los nuevo mexicanos tengan acceso a Internet.

La adopción de la enmienda propuesta podría ser particularmente útil con respecto a la construcción de infraestructura de Internet de banda ancha de alta velocidad en todo el estado. Ahora más que nunca, el acceso a Internet de alta velocidad es esencial para el aprendizaje a distancia, la telemedicina y el trabajo remoto. Sin embargo, el Departamento de Tecnología de la Información, en su *Plan Estratégico de Banda Ancha del Estado de Nuevo México y Evaluación de Banda Ancha Rural* publicado en junio de 2020, informó que "un análisis conservador de datos estatales, de ISP y federales identifica un estimado de 196,000 ubicaciones en Nuevo México que no son atendidas por banda ancha, o el 20 por ciento de los aproximadamente 940,000 hogares y negocios del Estado". Esto significa que una quinta parte de los residentes del estado no pueden continuar con sus estudios a través del aprendizaje remoto, trabajar de forma remota o acceder a la atención médica necesaria, sin mencionar el acceso a una miríada de otros recursos públicos y privados que se encuentran en línea. La enmienda propuesta permitiría al estado invertir en la infraestructura de banda ancha que se necesita para la plena participación de todos los residentes de Nuevo México en el mundo moderno.

4. Los contornos de la legislación de aplicación se examinarían a través del proceso legislativo público.

A diferencia de una excepción general de "beneficio público" que algunos estados han aplicado a sus exenciones contra la donación, la adopción de la enmienda propuesta sería solo el primer paso en un largo proceso para permitir el uso de fondos públicos para proporcionar acceso a los servicios domésticos esenciales. Al igual que las excepciones que crearon la Ley de Desarrollo Económico Local y los programas de financiamiento hipotecario, ambas cámaras de la legislatura tendrían que aprobar una legislación de

implementación para que un programa de asistencia de servicios públicos entre en vigencia. La enmienda propuesta también requiere que la legislación de implementación "incluya salvaguardas para proteger el dinero público y otros recursos públicos utilizados para los fines autorizados", y una cantidad considerable de deliberación se destinará a desarrollarlos. Antes de que la legislación de implementación llegue al pleno de cada cámara, pasará por el proceso del comité, donde será debatida por los miembros después de una amplia oportunidad para comentarios públicos y estará sujeta a enmiendas durante todo el proceso.

Argumentos en contra

1. La enmienda propuesta carece de claridad y deja demasiada discrecionalidad a las futuras legislaturas a la hora de promulgar la legislación de aplicación.

La enmienda propuesta carece de claridad y deja los detalles de la excepción a la legislación de implementación promulgada por una futura legislatura. Por ejemplo, del texto de la enmienda no se desprende claramente para qué proyectos se permitirá utilizar fondos estatales, ya que esos detalles se establecerán en la legislación de aplicación. Además, si bien la enmienda propuesta enumera específicamente Internet, energía, agua y aguas residuales como servicios esenciales, también incluye "otros servicios similares proporcionados por la ley". Esta amplia disposición estará sujeta a una interpretación amplia por parte de la legislatura que promulgue la legislación de aplicación o su ejecución. Este lenguaje deja la puerta abierta a la prestación de asistencia pública a entidades privadas por servicios no contemplados en la aprobación de la enmienda y que podrían cambiarse en función de los vientos políticos de las futuras legislaturas.

2. El dinero público puede no estar adecuadamente protegido.

La prohibición contra la donación tiene un propósito valioso, y cualquier excepción propuesta debe verse con cautela. El propósito

de una cláusula anti-donación es asegurar que el dinero de los contribuyentes no se esté utilizando para apoyar o subsidiar ganancias privadas sin que el estado reciba algo de valor a cambio de la transferencia de dinero o propiedad. Sin embargo, esta enmienda propuesta no especifica cómo la legislación de implementación es para "salvaguardar el dinero público" ni hay inclusión de un límite de gasto, por lo que las implicaciones fiscales reales para el estado son desconocidas y podrían ser de gran alcance. Esta falta de orientación sobre los requisitos específicos para salvaguardar el dinero público podría resultar en que la legislatura promulgue una legislación de implementación que permita el uso de fondos estatales para proporcionar un mayor beneficio a los contratistas y otras empresas que brindan servicios esenciales en lugar de a los residentes del estado que necesitan esos servicios. Tal efecto sería contrario a la finalidad de la cláusula antidonación.

3. Las crecientes excepciones a la cláusula antidonación se están tragando la regla.

La cláusula anti-donación de Nuevo México está siendo reducida. Desde 1971, se ha enmendado seis veces para crear excepciones, incluidas las escisiones para permitir que los fondos públicos se utilicen para el cuidado y mantenimiento de personas enfermas e indigentes; estimular la creación de empleo; para proporcionar programas de becas para ciertos veteranos; proporcionar programas de becas para aspirantes a proveedores de atención médica; y apoyar el desarrollo de viviendas asequibles. El creciente número de excepciones se está tragando la norma que prohíbe las ayudas estatales a entidades privadas. Establecer más y más excepciones crea confusión con respecto a lo que está permitido y lo que está prohibido, y plantea la cuestión de si se deben establecer aún más excepciones o si es hora de deshacerse de la cláusula antidonación en su totalidad.

Fuente:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Nota:
<u>Material subrayado</u> = nuevo lenguaje propuesto para la inserción
[Material entre corchetes] = texto existente propuesto para su supresión

Texto íntegro de la legislación

RESOLUCIÓN COMÚN DE LA CÁMARA 1 - Propuesta Enmienda Constitucional 2

SE PROPONE ENMENDAR EL ARTÍCULO 9, SECCIÓN 14 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PERMITIR INVERSIÓN PÚBLICA PARA PROVEER ACCESO A SERVICIOS ESENCIALES DEL HOGAR, INCLUYENDO INTERNET, ENERGÍA, AGUA, AGUAS RESIDUALES Y OTROS SERVICIOS SIMILARES SEGÚN LO PREVISTO POR LA LEY, CUANDO SE ESTABLEZCA LA LEGISLACIÓN GENERAL DE IMPLEMENTACIÓN POR VOTO MAYORITARIO DE LOS MIEMBROS ELECTOS A CADA CÁMARA DE LA LEGISLATURA.

SEA RESUELTO POR LA LEGISLATURA DEL ESTADO DE NUEVO MÉXICO:

SECCIÓN 1. Se propone enmendar el Artículo 9, Sección 14 de la Constitución de Nuevo México para que diga:

"Ni el estado ni ningún condado, distrito escolar o municipio, salvo que se disponga lo contrario en esta constitución, prestarán o pignorarán directa o indirectamente su crédito ni harán ninguna donación a o en ayuda de ninguna persona, asociación o corporación pública o privada o en ayuda de cualquier empresa privada para la construcción de cualquier ferrocarril, excepto según lo dispuesto en las Subsecciones A a [~~G~~] <u>H</u> de esta sección.

A. Nada en esta sección prohíbe que el estado o cualquier condado o municipio tomen disposiciones para el cuidado y mantenimiento de personas enfermas e indigentes.

B. Nada en esta sección prohíbe que el estado establezca un programa de becas para veteranos para veteranos del conflicto de

Vietnam que son estudiantes postsecundarios en instituciones educativas bajo el control exclusivo del estado al eximir a dichos veteranos del pago de la matrícula. A los efectos de esta subsección, un "veterano del conflicto de Vietnam" es cualquier persona que ha sido dada de baja honorablemente de las fuerzas armadas de los Estados Unidos, que era residente de Nuevo México en el momento original de la entrada en las fuerzas armadas de Nuevo México o que ha vivido en Nuevo México durante diez años o más y que ha sido galardonado con una medalla de campaña de Vietnam por su servicio en las fuerzas armadas de este país en Vietnam durante el período comprendido entre el 5 de agosto de 1964 y la fecha oficial de terminación del conflicto de Vietnam según lo designado por orden ejecutiva del presidente de los Estados Unidos.

C. El estado puede establecer por ley un programa de préstamos a estudiantes de artes curativas, según lo definido por la ley, para residentes del estado que, a cambio del pago de gastos educativos, contratan con el estado para ejercer su profesión por un período de años después de la graduación dentro de las áreas del estado designadas por la ley.

D. Nada en esta sección prohíbe que el estado o un condado o municipio creen nuevas oportunidades de empleo al proporcionar tierras, edificios o infraestructura para instalaciones para apoyar negocios nuevos o en expansión si esta asistencia se otorga de conformidad con la legislación general de implementación que se aprueba por mayoría de votos de los elegidos para cada cámara de la legislatura. La legislación de aplicación incluirá salvaguardias adecuadas para proteger el dinero público u otros recursos utilizados para los fines autorizados en esta subsección. La legislación de aplicación dispondrá además que:

(1) cada proyecto específico del condado o municipio que proporcione asistencia de conformidad con esta subsección no necesita ser aprobado por la legislatura, sino que será aprobado por el condado o municipio de conformidad con los procedimientos previstos en la legislación de implementación; y

(2) cada proyecto estatal específico que proporcione asistencia de conformidad con esta subsección será aprobado por ley.

E. Nada en esta sección prohíbe que el estado, o la instrumentalidad del estado designado por la legislatura como la autoridad de vivienda del estado, o un condado o un municipio de:

(1) donar o de otra manera proporcionar o pagar una parte de los costos de la tierra para la construcción de viviendas asequibles;

(2) donar o proporcionar o pagar una parte de los costos de construcción o renovación de viviendas asequibles o los costos de conversión o renovación de edificios en viviendas asequibles; o

(3) proporcionar o pagar los costos de financiamiento o infraestructura necesarios para apoyar proyectos de vivienda asequible.

F. Las disposiciones de la subsección E de esta sección no son de ejecución automática. Antes de que se pueda proporcionar la asistencia descrita, la legislación habilitante se promulgará por mayoría de votos de los miembros elegidos para cada cámara de la legislatura. Esta legislación habilitante deberá:

(1) definir "vivienda asequible";

2) establecer criterios de admisibilidad para los destinatarios de terrenos, edificios e infraestructuras;

(3) contener disposiciones para asegurar la finalización exitosa de proyectos de vivienda asequible apoyados por asistencia autorizada de conformidad con la Subsección E de esta sección;

(4) requerir que un condado o municipio que brinde asistencia de conformidad con la Subsección E de esta sección otorgue una aprobación formal previa por ordenanza para un precio asequible específico

subsidio de asistencia a la vivienda e incluir en la ordenanza las condiciones del subsidio;

(5) requerir la aprobación previa por ley de un subsidio de asistencia de vivienda asequible por parte del estado; y

(6) exigir que el órgano rector de la instrumentalidad del estado, designado por la legislatura como la autoridad de vivienda del estado, dé su aprobación previa, por resolución, para las subvenciones de vivienda asequible que deben ser otorgadas por la instrumentalidad.

G. Nada en esta sección prohíbe que el estado establezca un programa de becas para veteranos, para veteranos de guerra militares que son estudiantes postsecundarios en instituciones educativas bajo el control exclusivo del estado y que han agotado todos los beneficios educativos ofrecidos por el Departamento de Defensa de los Estados Unidos o el Departamento de Asuntos de Veteranos de los Estados Unidos, eximiendo a dichos veteranos del pago de la matrícula. A los efectos de esta subsección, un "veterano de guerra militar" es cualquier persona que ha sido dada de baja honorablemente de las fuerzas armadas de los Estados Unidos, que era residente de Nuevo México en el momento original de la entrada en las fuerzas armadas o que ha vivido en Nuevo México durante diez años o más y que ha sido galardonado con una medalla de servicio del suroeste de Asia, medalla de servicio de guerra global contra el terrorismo, medalla de campaña de Irak, medalla de campaña de Afganistán o cualquier otra medalla emitida por servicio en las fuerzas armadas de este país en apoyo de cualquier campaña militar o conflicto armado de los Estados Unidos según lo definido por el Congreso o por orden ejecutiva presidencial o cualquier otra medalla de campaña emitida para el servicio después del 1 de agosto, 1990 en las fuerzas armadas de los Estados Unidos durante períodos de conflicto armado según lo definido por el Congreso o por orden ejecutiva.

H. Nada en esta sección prohíbe que el estado gaste fondos o recursos estatales con el propósito de proporcionar servicios esenciales principalmente para fines residenciales si la asistencia se otorga de conformidad con la legislación general de implementación aprobada por un voto mayoritario de los elegidos para cada cámara

de la legislatura. La legislación de aplicación establecerá la accesibilidad a los servicios esenciales principalmente para fines residenciales e incluirá salvaguardias para proteger el dinero público y otros recursos públicos utilizados para los fines autorizados en esta subsección. Tal como se utiliza en esta subsección, "servicios esenciales" significa infraestructura que permite Internet, energía, agua, aguas residuales u otros servicios similares según lo dispuesto por la ley. "

SECCIÓN 2. La enmienda propuesta por esta resolución será sometida al pueblo para su aprobación o rechazo en las próximas elecciones generales o en cualquier elección especial anterior a esa fecha que pueda convocarse al efecto.

Enmienda Constitucional 3

SE PROPONE ENMENDAR EL ARTÍCULO 6, SECCIÓN 35 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER QUE UN JUEZ DESIGNADO SIRVA POR LO MENOS UN AÑO ANTES DE QUE SE ADMINISTRE UNA ELECCIÓN GENERAL PARA EL CARGO AL QUE EL JUEZ FUE DESIGNADO.

A favor: _____ En contra: _____

Propósito

La Enmienda Constitucional 3 propone un cambio substancial al Artículo 6, Sección 35 de la Constitución de Nuevo México. Substancialmente, la Enmienda Constitucional 3 propone demorar la elección general para un puesto al que un juez está designado hasta que ese juez haya servido en la cámara para un año después de su designación por el gobernador. Técnicamente,

esta enmienda constitucional propone usar lenguaje de género neutro en el Artículo 6, Sección 35, i.e. cambiar “his application” (aplicación sometida por un hombre) a “the application” (la aplicación) y el término “chairman” (el presidente, masculino) a “chair” (presidente, género neutro), y también reemplaza el término “committee” (comité) con el término “commission” (comisión) en varias instancias para mantener consistencia.

Argumentos a favor

1. Permite al público evaluar a un candidato designado sobre los méritos antes de la elección.

En todo Nuevo México, el público ha expresado su deseo de aumentar la transparencia en el gobierno. La Enmienda Constitucional 3 proporciona una transparencia diferente: la de la capacidad de evaluar a un candidato para un puesto judicial antes de elegir a un candidato. Los votantes pueden enfrentar dificultades para estar informados sobre los candidatos y la información relevante. Si se adopta la enmienda propuesta, los candidatos designados para ocupar un puesto judicial tendrán al menos un año para servir en el tribunal antes de enfrentar una elección general. Los candidatos designados que de otro modo no tengan experiencia judicial no solo tendrán tiempo para perfeccionar sus habilidades judiciales, sino que el público podrá observar mejor su conducta como jueces. Armados con el registro de desempeño, los votantes podrán tomar una decisión más informada sobre si votar a favor o en contra del designado en las elecciones generales. Idealmente, esto resultará en un público que tenga más conocimiento de los candidatos que fueron nombrados en el momento en que esos candidatos se enfrentan a la elección.

2. Posibilita un mayor acceso de los candidatos judiciales a la financiación pública.

Los candidatos judiciales están autorizados a acceder a financiamiento público para las elecciones de conformidad con la Ley de Acción Electoral. Cuando una persona designada

judicialmente debe postularse para el cargo en una elección partidista poco después de ser nombrada, los plazos para cumplir con la Ley de Acción Electoral se comprimen y, dependiendo del tiempo entre el nombramiento y la elección, es posible que la persona designada no pueda cumplir con los plazos para calificar para el financiamiento público. Un propósito de incluir a los candidatos judiciales en la Ley de Acción Electoral es eliminar la influencia del gran dinero de las elecciones judiciales, asegurando un poder judicial independiente. Sin embargo, este propósito se anula cuando los jueces designados no pueden calificar para el financiamiento público porque los plazos no se pueden cumplir debido al momento del nombramiento y la elección. Exigir que la elección se lleve a cabo al menos un año después del nombramiento proporciona tiempo suficiente para que un juez designado cumpla con los plazos de la Ley de Acción Electoral y califique para el financiamiento público disponible.

3. Ayuda con el reclutamiento y la diversidad para los jueces.
Permitir que un juez designado sirva en el puesto durante al menos un año antes de tener que postularse para el puesto en una elección partidista ayudará con el reclutamiento de solicitantes calificados y diversos para el cargo de juez. Bajo el lenguaje actual del Artículo 6, Sección 35, el cargo estará sujeto a elección en las próximas elecciones generales, que pueden ser solo un par de meses después del nombramiento. Muchas personas no están dispuestas a aceptar un nombramiento para un cargo de juez si tienen que, por ejemplo, cerrar una práctica privada y terminar las relaciones con los clientes sin alguna garantía de estar en el puesto a largo plazo. La aprobación de esta enmienda propuesta garantizaría a la persona designada al menos un año en el cargo antes de tener que postularse para el cargo. Esto puede ser particularmente beneficioso para los abogados que trabajan en la práctica privada que de otra manera no podrían optar por buscar puestos judiciales, ya que estos abogados pueden ser profesionales en solitario y pueden tener dificultades para justificar la búsqueda de un nombramiento si pueden servir por un corto tiempo.

Argumentos en contra

1. Retrasar las elecciones puede tener consecuencias no deseadas.
Podría haber consecuencias no deseadas si una elección para llenar la vacante no tiene lugar hasta la primera elección general después de un año después del nombramiento. Por ejemplo, dependiendo de cuándo se cree una vacante y cuando se haga el nombramiento para llenar la vacante, la persona designada podría servir hasta tres años en el cargo antes de que se celebren las elecciones generales. Alternativamente, debido a que la persona que gana la elección sirve el resto del período que está vigente en el momento de la elección, si ese período expirara en diciembre del mismo año en que se lleva a cabo la elección, se podría crear un escenario en el que la persona que gana la elección solo sirve unas pocas semanas antes de que el período termine al final del año, creando una nueva vacante en el cargo que luego tendría que ser ocupada por el gobernador. Además, una persona que compite contra un juez designado en las elecciones generales puede verse perjudicada por el hecho de que la persona designada tenga más experiencia en el cargo antes de la elección. El juez designado puede tener un mayor reconocimiento de nombre, un historial de desempeño conocido por el electorado y el beneficio de ser el titular en virtud de haber sido designado para llenar la vacante en el cargo, que normalmente no estaría presente en una carrera judicial partidista.

2. No está claro si el nuevo lenguaje se aplica a jueces que no sean jueces de apelación.
El Artículo 6, Sección 35 de la Constitución de Nuevo México crea la Comisión de Nominación de Jueces de Apelación, mientras que el Artículo 6, Sección 36 y el Artículo 6, Sección 37 crean el Comité de Nominación de Jueces de Tribunales de Distrito y el Comité de Nominación de Jueces de la Corte Metropolitana, respectivamente. Tanto la Sección 36 como la Sección 37 establecen que "todas y cada una de las disposiciones de la Sección 35 del Artículo 6 de esta Constitución se aplicarán" al respectivo comité de nominaciones; sin embargo, no está claro que el texto enmiendatorio propuesto al

artículo 35, que dispone que un juez preste servicios al menos un año antes de que se celebren elecciones generales para el cargo para el que fue nombrado el juez, se aplique igualmente a los jueces de los tribunales de distrito y a los jueces de los tribunales metropolitanos. Esto se debe a que el texto modificatorio propuesto para el artículo 35 no está directamente relacionado con las funciones de los respectivos comités de nominaciones, sino más bien con el momento en que se lleva a cabo una elección después de que se realiza un nombramiento para llenar una vacante. Esta ambigüedad podría dar lugar a litigios sobre la aplicación del lenguaje modificatorio a los jueces de los tribunales de distrito y de los tribunales metropolitanos.

3. Elimina una decisión inherentemente política del proceso político por un período más largo de lo que la Constitución de Nuevo México establece actualmente.

Un problema potencial en esta enmienda propuesta es su objetivo político de reducir la naturaleza partidista de un proceso político inherentemente partidista, al tiempo que aumenta potencialmente la división partidista. El Artículo 6, Sección 35 de la Constitución de Nuevo México requiere la diversidad de "partidos políticos mayoritarios" y los intereses del estado con respecto a los miembros de la Comisión de Nominación de Jueces de Apelación que recomiendan nombramientos. Además, el Artículo 6, Sección 35 establece que la Comisión de Nominación de Jueces de Apelación recomienda candidatos para el nombramiento del gobernador, pero el gobernador finalmente nombra a un sucesor en caso de una vacante. Los candidatos judiciales designados por el gobernador se enfrentan a la reelección en las próximas elecciones. Por lo tanto, implícito en la Sección 35 es un proceso que es de naturaleza política, uno que depende del partidismo, la decisión de un gobernador, que generalmente representa a un partido político mayoritario y, en última instancia, la voz del electorado. Sin embargo, esta enmienda requeriría que el público se abstenga de participar en el proceso político durante un año, como mínimo, antes de que ese candidato designado se enfrente al proceso electivo. Es previsible que el público pueda, en última instancia, asociar su opinión sobre el juez designado menos en los méritos del

juez como se muestra en el año o más de servicio en el tribunal, y en su lugar recurrir a las posiciones partidistas del gobernador que nombró al juez. Esto puede politizar aún más lo que se suponía que era un nombramiento para abordar una vacante. Justificado por una política aparentemente dirigida a aumentar los candidatos de intereses privados y resultados que son aparentemente especulativos, si no completamente aspiracionales, es cuestionable si esto supera el interés del público de proporcionar un voto rápido sobre lo que se pretendía abordar una mera vacante.

Fuente:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Nota:
***Material subrayado** = nuevo lenguaje propuesto para la inserción*
[Material entre corchetes] = texto existente propuesto para su supresión

Texto íntegro de la legislación

RESOLUCIÓN CONJUNTA DEL SENADO 3 - Propuesta Enmienda Constitucional 3

SE PROPONE ENMENDAR EL ARTÍCULO 6, SECCIÓN 35 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER QUE UN JUEZ DESIGNADO SIRVA POR LO MENOS UN AÑO ANTES DE QUE SE ADMINISTRE UNA ELECCIÓN GENERAL PARA EL CARGO AL QUE EL JUEZ FUE DESIGNADO.

SECCIÓN 1. Se propone enmendar el Artículo 6, Sección 35 de la Constitución de Nuevo México para que diga:

"Se crea la "comisión de nominación de jueces de apelación", integrada por: el presidente del tribunal supremo o la persona designada por el presidente del tribunal supremo; dos magistrados del tribunal de apelaciones nombrados por el magistrado principal del tribunal de apelaciones; el gobernador, el

presidente de la Cámara de Representantes y el presidente pro tempore del Senado designarán cada uno a dos personas, una de las cuales será un abogado con licencia para ejercer la abogacía en este estado y la otra que será un ciudadano que no tiene licencia para ejercer la abogacía en ningún estado; el decano de la facultad de derecho de la Universidad de Nuevo México, que se desempeñará como presidente de la comisión y votará solo en caso de empate; cuatro miembros del Colegio de Abogados del estado de Nuevo México, que representan el enjuiciamiento y la defensa civil y penal, nombrados por el presidente del Colegio de Abogados del Estado y los jueces de [~~este comité~~] la comisión . Los nombramientos se harán de tal manera que cada uno de los dos partidos políticos principales más grandes, según lo definido por el Código Electoral, esté igualmente representado en la comisión. Si es necesario, el presidente del Colegio de Abogados del Estado y los jueces de [~~este comité~~] de la comisión harán el número mínimo de nombramientos adicionales de los miembros del Colegio de Abogados del Estado que sea necesario para que cada uno de los dos partidos políticos principales más grandes esté igualmente representado en la comisión. Estos miembros adicionales de la barra estatal serán nombrados de tal manera que los diversos intereses de la barra estatal estén representados. El decano de la facultad de derecho de la Universidad de Nuevo México será el árbitro final de si se representan intereses tan diversos. Los miembros de la comisión serán nombrados por los términos que disponga la ley. Si un puesto en la comisión queda vacante por cualquier motivo, el sucesor será seleccionado por la autoridad nominadora original de la misma manera que se hizo el nombramiento original y ejercerá sus funciones por el resto del período vacante.

La comisión solicitará, aceptará y evaluará activamente las solicitudes de abogados calificados para el cargo de juez de la corte suprema o juez de la corte de apelaciones y podrá requerir que el solicitante presente cualquier información que considere relevante para la consideración de [~~su~~] solicitud.

Cuando se produzca una vacante efectiva en el cargo de magistrado de la Corte Suprema o en el juez de la Corte de Apelaciones, la comisión se reunirá dentro de los treinta días y dentro de ese plazo presentará al gobernador los nombres de las

personas calificadas para el cargo judicial y recomendadas para su nombramiento en ese cargo por mayoría de la comisión.

Inmediatamente después de recibir las nominaciones de la comisión, el gobernador puede hacer una solicitud de la comisión para la presentación de nombres adicionales, y la comisión presentará sin demora dichos nombres adicionales si la mayoría de la comisión considera que otras personas estarían calificadas y recomienda a esas personas para su nombramiento en la oficina judicial. El gobernador llenará una vacante o nombrará a un sucesor para llenar una vacante inminente en el cargo de juez de la corte suprema o juez de la corte de apelaciones dentro de los treinta días posteriores a la recepción de las nominaciones finales de la comisión mediante el nombramiento de una de las personas nominadas por la comisión para su nombramiento en ese cargo. Si el gobernador no hace el nombramiento dentro de ese período o a partir de esas nominaciones, el nombramiento se hará a partir de esas nominaciones por el presidente del tribunal o el presidente interino del tribunal supremo. [~~Cualquiera~~] La persona designada prestará servicios hasta la [~~próxima~~] primera elección general [~~de esa persona~~] siguiente un año después de su nombramiento. El sucesor de la persona designada será elegido en dicha elección y ocupará el cargo hasta la expiración del mandato [~~original~~] vigente en el momento de la elección".

SECCIÓN 2. La enmienda propuesta por esta resolución será sometida al pueblo para su aprobación o rechazo en las próximas elecciones generales o en cualquier elección especial anterior a esa fecha que pueda convocarse al efecto.

Propuesta: Bonos de Obligación General

Las siguientes tres preguntas de bonos de obligación general aparecerán en todas las boletas para las Elecciones Generales del 8 de noviembre de 2022:

Pregunta de bonos 1:

La Ley de Bonos de Obligación General de Proyectos de Capital de 2022 autoriza la emisión y venta de bonos para la mejora de instalaciones, construcción y la adquisición de equipos para personas de edad avanzada. ¿Estará el estado autorizado a emitir bonos de obligación general por una cantidad que no exceda los veinticuatro millones, cuatrocientos setenta mil dólares ($24,470,000) para realizar gastos de capital para ciertos proyectos de mejora de instalaciones, construcción y adquisición de equipo para personas de edad avanzada y proveer una imposición general de impuestos sobre la propiedad y recaudar el pago del capital, los intereses y los gastos incurridos en relación con la emisión de los bonos y el cobro del impuesto según lo permitido por la ley?

A favor: _____ En contra: _____

Pregunta de bonos 2:

La Ley de Bonos de Obligación General de Proyectos de Capital de 2022 autoriza la emisión y venta de bonos para la adquisición de recursos bibliotecarios. ¿Estará el estado autorizado a emitir bonos de obligación general por una cantidad que no exceda los diecinueve millones doscientos sesenta y seis mil dólares

($19,266,000) para realizar gastos de capital para la adquisición de recursos para bibliotecas académicas, de escuelas públicas, tribales y públicas y proveer una imposición general de impuestos sobre la propiedad y recaudar el pago del capital, los intereses y los gastos incurridos en relación con la emisión de los bonos y el cobro del impuesto según lo permitido por la ley?

A favor: _____ En contra: _____

Pregunta de bonos 3:

La Ley de Bonos de Obligación General de Proyectos de Capital de 2022 autoriza la emisión y venta de bonos para la adquisición y mejora de escuelas de educación superior, escuelas especiales y escuelas tribales. ¿Estará el estado autorizado a emitir bonos de obligación general por una cantidad que no exceda los doscientos quince millones novecientos ochenta y seis mil dólares ($215,986,000) para realizar gastos de capital para las mejoras y adquisiciones de ciertas escuelas de educación superior, escuelas espaciales y escuelas tribales y proveer una imposición general de impuestos sobre la propiedad y recaudar el pago del capital, los intereses y los gastos incurridos en relación con la emisión de los bonos y el cobro del impuesto según lo permitido por la ley?

A favor: _____ En contra: _____

Explicación de los bonos e impuestos de obligación general

Un bono representa una deuda por dinero prestado por un gobierno para financiar proyectos de mejora de capital. El Estado de Nuevo México promete reembolsar la cantidad prestada, más intereses, durante un período de tiempo por cada serie de bonos de Obligación General que sean aprobados por los votantes. Los bonos se llaman "Obligación General" porque el pago del servicio de la deuda (principal más intereses) es una obligación general del Estado y sus propietarios a través del impuesto a la propiedad.

Según la División de la Junta de Finanzas del Departamento de Finanzas y Administración de NM, la cantidad específica de impuestos a la propiedad recaudados en un año determinado es atribuible a una serie de factores, incluida la cantidad de servicio de la deuda requerida para los bonos de obligaciones generales existentes, el servicio de la deuda proyectado requerido para la nueva emisión de bonos, la última valoración tasada de los bienes sujetos pasivos netos, saldos de efectivo en cuentas de servicio de deuda de bonos, la fecha de emisión y la tasa de interés real obtenida en la venta de bonos.

Proyectos de Bonos de Obligación General 2022 (Proyecto de Ley de la Cámara 153)

La Legislatura de Nuevo México aprobó la Ley de Bonos de Obligación General de Proyectos de Capital de 2022 que detalla los proyectos que serían financiados por estos bonos. No se emitirán ni venderán bonos bajo la ley hasta que los votantes registrados del estado hayan votado y aprobado la emisión de los bonos. Cada pregunta sobre bonos se vota por separado con una pregunta "A favor" o "En contra".

Propósito

Las tres preguntas sobre bonos de 2022 solicitan la aprobación de los votantes para emitir bonos de obligación general de la siguiente manera:

PREGUNTA DE BONOS 1, por un monto que no exceda los $24,470,000 para realizar gastos de capital para ciertos proyectos de mejoramiento de instalaciones, construcción y adquisición de equipos para personas mayores.

Los siguientes proyectos han sido específicamente designados para su financiación mediante la venta de la Emisión de Bonos 1:

Acoma Pueblo Senior Center - Planificar, Diseñar, Construir, Renovar y reemplazar puertas accesibles para sillas de ruedas	$75.000
Centro de Mayores Alcalde - Vehículos	$70.000
Centro de Mayores Alejandro Ruiz en Carlsbad – Reformas	$1,352,442
Centro de Mayores Alejandro Ruiz en Carlsbad – Vehículos	$162,024
Alb. Asuntos para Personas Mayores – Nutrición y Transporte	$375,050
Amalia Senior Center en el condado de Taos: Planificar, Diseñar, Construir, Equipar y Amueblar	$1,450,000
Barelas Senior Center en Alb – Equipo de comidas y otros equipos	$40,141

Centro de Mayores Beatrice Martinez en Española – Vehículos	$90,000
Belen Senior Center – Equipo de comidas y otros equipos	$58,000
Benny J. Chaves ***(también conocido como Chimayo Senior Center)*** – Renovaciones	$500.000
Bernalillo Senior Center – Reformas	$25,810
Bernalillo Senior Center – Vehículos	$30,000
Blanco Senior Center – Equipo de comidas y otros equipos	$24.000
Blanco Senior Center – Vehículos	$55.000
Bloomfield Senior Center – Renovaciones	$35.000
Centro Comunitario Bosque Farms - Vehículos	$55.000
Broadmoor Senior Center en Rio Rancho – Planificar, Diseñar, Constir, Equipar y Amueblar	$774,569
Carrizozo Senior Center – Vehículos	$48,429
Capitan Senior Center – Vehículos	$34,284
Chama Senior Center – Diseñar	$75.000
Centro de Adultos Mayores Chimayo La Arboleda – Vehículos	$70.000
Chimayo Senior Center ***(también conocido como Benny J. Chavez Comm. Center)*** del Condado de Santa Fe – Renovaciones	$500.000
Corona Senior Center – Vehículos	$34,284
Coyote Senior Center – Vehículos	$70.000
Del Rio Senior Center en el Condado de Valencia – Planificar, Diseñar, Construir, Equipar y Amueblar	$460,000
Del Rio Senior Center en el Condado de Valencia – Equipo de Comidas y otros Equipos	$58,000
Deming Senior Center – Renovaciones	$57,579
Centro de Mayores en Española – Vehículos	$70.000
Estancia Senior Center - Renovaciones	$169,621
Fort Sumner Senior Center – Planear y Diseñar	$75.000
Fort Sumner Senior Center – Vehículos	$50,000
Frank O'Brien Papen Comm. Center en Las Cruces – Renovaciones	$35.000
Gallup Senior Center – Planear, Diseñar, Const. & Equip.	$5.415.300
Gallup Senior Center – Vehículos	$7 6,000
Gila Senior Center – Vehículos	$38,200
Glenwood Senior Center – Renovaciones	$90.000
Glenwood Senior Center - Vehículos	$52.000
Highland Senior Center en Alb - Renovaciones	$353,358

Hobbs Senior Center – Vehículos	$60,500
Hondo Senior Center-Vehículos	$30,000
Laguna Senior Center – Planificar, Diseñar, Const. & Equip.	$123.000
La Casa Senior Center – Mejoras, Instalación de Equipos y Sistemas de Construcción	$43,500
Las Vegas Senior Center – Equipo de comidas y otros equipos	$130.000
Las Vegas Senior Center – Vehículos	$140.000
Logan Senior Center – Renovaciones y equipos	$62,262
Lower Valley Senior Center - Equipo de comidas y otros equipos	$24.000
María Esther Gonzales Sr. Center en Santa Fe – Equipos de comidas y otros equipos	$235,630
Meadow Lake Senior Center en el Condado de Valencia - Equipo de comidas y otros equipos	$73.000
Meadowlark Senior Center en Rio Rancho – Renovaciones	$226,474
Mimbres Senior Center – Vehículos	$38,200
Moriarty Senior Center – Planear y Diseñar	$53,599
Mountainair Senior Center – Renovaciones y Equip.	$158,861
North Valley Senior Center en Alb – Renovaciones	$2,971,442
Palo Duro Senior Center en Alb – Renovaciones	$1,000,000
Pasatiempo Senior Center en Santa Fe – Equipo de Comidas y otros Equipos	$65,805
Centro Comunitario Pena Blanca – Vehículos	$30,208
Pojoaque Pueblo Senior Center – Planificar, Diseñar, Construir y Renovar	$100,000
Pueblo of Taos Senior Daycare Facility ***(Senior Daycare Facility NUEVO)*** – Construir y Equip.	$822.000
Quemado Senior Center – Equipo de comidas y otros equipos	$92,500
Questa Senior Center – Planificar, Diseñar, Construir, Equipar y Amueblar	$727,587
Robert P. Munson Senior Center Las Cruces – Diseñar, Construir, Equipar y Amueblar	$666,199
Robert P. Munson Senior Center Las Cruces – Vehículos	$110.000
Raymond G. Sanchez Senior Center – Renovaciones	$235.000
Reserve Senior Center - Equipo de comidas y otros equipos	$40.000
Reserve Senior Center – Renovaciones	$40,000
Centro Comunitario Ruidoso – Renovaciones	$94,000

Ruidoso Downs Senior Center – Vehículos	$48,429
San Felipe Pueblo Senior Center - Vehículos	$100,000
Santa Clara Pueblo Adult Daycare – Renovaciones	$116,237
Santa Clara Senior Center - Vehículos	$38,2 00
Santa Clara Pueblo Adult Daycare Center – Planificar, diseñar, construir y renovar, incluyendo pisos e iluminación para el Pueblo de Santa Clara en el Condado de Rio Arriba	$500,00
Santa Cruz Senior Center – Planificar, Diseñar, Construir, Equipar y Amueblar	$2,041,441
Whispering Pines Senior Center - Renovaciones	$457.000

PREGUNTA DE BONOS 2, por un monto que no exceda de $19,266,000 para realizar gastos de capital para adquisiciones de recursos académicos, de escuelas públicas, tribales y de bibliotecas públicas.

Departamento de Asuntos Culturales: (a) seis millones de dólares ($6,000,000) para equipo, mobiliario de biblioteca, accesorios y adquisiciones de recursos bibliotecarios suplementarios, incluidos recursos impresos, no impresos y electrónicos, recursos bibliotecarios colaborativos y proyectos de tecnología de la información, y para la compra e instalación de equipo e infraestructura de Internet de banda ancha en bibliotecas públicas no tribales de todo el estado; y b) un millón de dólares ($1,000,000) para equipo, mobiliario de biblioteca, accesorios y adquisiciones de recursos suplementarios de biblioteca, incluidos recursos impresos, no impresos y electrónicos, recursos bibliotecarios de colaboración y proyectos de tecnología de la información, y para la compra e instalación de equipo e infraestructura de Internet de banda ancha en bibliotecas tribales de todo el estado.

Departamento de Educación Avanzada: seis millones de dólares ($6,000,000) para adquisiciones suplementarias de recursos bibliotecarios, incluidos libros, equipos, recursos electrónicos, recursos bibliotecarios colaborativos y proyectos de tecnología de la información, para bibliotecas académicas en todo el estado.

Public Education Department: seis millones de dólares ($ 6,000,000) para adquisiciones de equipos y recursos bibliotecarios suplementarios, incluidos recursos impresos, no impresos y electrónicos, en bibliotecas de escuelas públicas en todo el estado.

PREGUNTA DE BONOS 3, por un monto que no exceda los $215,986,000 para realizar gastos de capital para ciertas mejoras y adquisiciones de capital de educación superior, escuelas especiales y escuelas tribales.

La siguiente educación superior, escuelas especiales y escuelas tribales han sido específicamente designadas para su financiación mediante la venta del Bono 3:

Clovis Comm. College – Planear, Diseñar, Mejoras de Infraestructura	$1,685,000
CNMCC – Planificar, Diseñar, Construir, Amueblar, Equipar, Oficios e Instalación de Tecnologías Aplicadas	$15,000,000
Dine College Shiprock - Planificar, diseñar, construir, amueblar y equipar las instalaciones de servicios estudiantiles	$5,0 00,000
ENMU Roswell – Planificar, Diseñar, Construir y Renovar, Centro de Educación Física, Artes y Ciencias	$2,475,000
ENMU – Planificar, Diseñar, Construir, Amueblar y Equipar los Servicios Académicos para Estudiantes	$9,000,000
Luna Comm. College - Planificar, Diseñar, Construir, Amueblar y Equipar Mejoras de Infraestructura	$1,500,000
Navajo Technical Univ. – Planificar, Diseñar, Construir, Amueblar y Equipar un Edificio de Oficios	$4,00,000
NM Highlands Univ. – Planificar, diseñar, construir, amueblar y equipar un edificio de instalaciones	$4,500,000
NM IInstituto de Minería y Tecnología. – Planificar, diseñar, construir, amueblar y equipar mejoras en el Centro de Formación e Investigación de Playas	$5,000,000
NM Institute of Mining & Tech. – Planificar, Diseñar, Construir, Amueblar y Equipar a Kelly Hall	$3,300,000
NM Junior College – Planificar, Diseñar, Construir, Amueblar y Equipar un Edificio de Oficios Vocacionales	$2,100,000
NM Military Institute en Roswell - Planificar, diseñar, construir, amueblar y equipar a una expansión de Bates Hall	$4,000,000

NM School for the Blind & Visually Impaired – Planificar, Diseñar, Construir, Amueblar y Equipar una Cabaña Residencial	$4,000,000
NM School for the Deaf in Alb - Planificar, Diseñar, Construir, Amueblar y Equipar	$1,400,000
NMSU Las Cruces - Planificar, diseñar, construir, amueblar y equipar una instalación de ingeniería universitaria que incluye la demolición de Thomas & Brown Hall	$22,500,000
NMSU Las Cruces - Planificar, Diseñar, Construir, Amueblar y Equipar el Edificio de Ciencias de la Salud y O'Donnell Hall	$13,500,000
NMSU Las Cruces - Planificar, Diseñar, Construir, Amueblar y Equipar la Escuela de Enfermería y Centro de Simulación en el Edificio de Salud y Servicios Sociales.	$2,000,000
NMSU Las Cruces - Planificar, diseñar, construir, amueblar y equipar, incluida la reducción y demolición, el Edificio del Departamento de Agricultura de NM.	$10,500,000
NMU Dona Ana - Planificar, Diseñar, Construir, Renovar y Equipar La Infraestructura De Mejora. y Reemplazo de Techo	$1,350,000
NMU Grants - Planificar, diseñar, construir, renovar y equipar la improvisación de infraestructura. Incluyendo el reemplazo del techo de Martinez Hall	$1,250,000
Northern NM State School Espanola – Planificar, diseñar, construir y reparar la mejoramiento de infraestructura.	$3,000,000
San Juan College - Planificar, Diseñar, Construir, Amueblar y Equipar Tecnología de la Información. Infraestructura	$3,000,000
Santa Fe Comm. College - Planificar, Diseñar, Construir, Renovar y Equipar Infraestructura de Tecnología de la Información	$2,300,000
UNM Alb – Planificar, Diseñar, Construir, Amueblar y equipar un nuevo centro de Arte y Tecnología Colaborativa.	$45,000,000
UNM Alb – Planificar, Diseñar, Construir, Renovar, Amueblar y Equipar un Centro Psiquiátrico Infantil para el Centro de Ciencias de la Salud	$36,000,000
UNM Gallup – Planificar, Diseñar, Construir, Renovar y Equipar la Mejora de infraestructura a Gurley Hall	$3,000,000
UNM Los Alamos - Planificar, Diseñar, Construir, Renovar, Amueblar y Equipar La Mejora de la Infraestructura.	$1,300,000
UNM Taos – Planificar, Diseñar, Construir, Renovar, Amueblar y Equipar Renovaciones y adición a Fred Peralta Hall	$3,000,000
UNM Valencia - Planificar, diseñar, construir, renovar, amueblar y mejorar, incluido el reemplazo del techo y la instalación de paneles	$900,000

solares en el Centro de recursos de Learning Commons	
Western UNM Deming – Planificar, Diseñar, Construir, Amueblar y Equipar un Centro de Aprendizaje de Deming	$2,000,000
Western NMU Silver City – Planificar, diseñar, construir, renovar, amueblar y equipar la mejora de la infraestructura Incluyendo mejoras en las carreteras	$2,000,000

Implicaciones fiscales

Sobre la base de la suposición de que las tres preguntas de bonos descritas a serán aprobadas por los votantes, el gravamen del impuesto a la propiedad 2021 mil se ha establecido en 1.36 mils, que es lo mismo que las tasas de 2019 y 2020. La Junta Estatal de Finanzas estima que si las tres preguntas sobre bonos son aprobadas por los votantes, el costo de pagar los bonos durante un período de diez años sería de aproximadamente $11.13 por cada $ 100,000 de valor de activos por año. Del promedio anual de $11.13, la Pregunta de Bonos 1 representa $1.05, la Pregunta de Bonos 2 representa $0.82 y la Pregunta de Bonos 3 representa $9.26.

El total de las tres preguntas, incluidos los costos de emisión de bonos, es **de $259,722,000.**

Un desglose completo de los proyectos designados bajo cada emisión de bonos se puede encontrar en el sitio web de la Legislatura de Nuevo México:
https://nmlegis.gov/Sessions/22%20Regular/final/HB0153.pdf

Fuente: Departamento de Finanzas y Administración de NM.

Recursos adicionales

Se puede encontrar información adicional sobre las enmiendas constitucionales propuestas y los bonos de obligación general en los siguientes sitios:

Resolución Conjunta de la Cámara 1 - Enmienda Constitucional 1:
https://www.nmlegis.gov/Sessions/21%20Regular/final/HJR01.pdf

Resolución Conjunta de la Cámara 1 – Enmienda Constitucional 2:
https://www.nmlegis.gov/Sessions/22%20Regular/final/HJR01.pdf

Resolución Conjunta del Senado – Enmienda 3 de la Constitución:
https://www.nmlegis.gov/Sessions/22%20Regular/final/SJR03.pdf

Proyecto de Ley de la Cámara 153 – Bonos de Obligación General:
https://www.nmlegis.gov/Sessions/22%20Regular/final/HB0153.pdf

Tabla de Proyectos de Bonos de Obligación General por Condado:
https://www.nmlegis.gov/Publications/Capital_Outlay/HTRC%20SUB%20HB153%20Projects%20by%20County%20with%20Governors%20Actions,%202022.pdf

La Liga de Mujeres Votantes de Nuevo México:
www.lwvnmlorg (en inglés)

La Oficina del Secretario de Estado de Nuevo México:
www.sos.state.nm.us

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Thursday, November 3, 2022 12:25 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy; Schultz, Gabrielle; Cox, Mitchell
Cc: Vigil, Mandy, SOS; SOS-Leadership; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] 2022 General Election Guidance - Challengers
Attachments: Reminders - Challengers at In-Person Polling Places.pdf

Good afternoon,

Please see the attached guidance about challengers at in-person polling locations. If you have any clarifying questions, let us know: nm.clerks@sos.nm.gov.

Thank you and have a wonderful rest-of-the-day!

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Thursday, October 20, 2022 3:16 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; gschultz@santafecountynm.gov; mcox@santafecountynm.gov
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: 2022 General Election: Guidance Documents

County Clerks,

Please see the attached guidance documents for the 2022 General Election. Attached guidance documents include:

-2022 General_Absentee Processing Guidance
-2022 General_Absentee Register Information
-2022 General_Emergency Voting Affidavit
-2022 General_Hand Tally Guidance
-2022 General_Provisional Qualification Guidance
-2022 General_Write-In Guidance
-Clerks Memo - Disruption at the Polls
-How to Enter Write-In Votes in SERVIS

In addition to the guidance documents, we are reattaching the 2022 General Election Voter Guides in English and Spanish for your records and a voter information advisory for the upcoming election. Should you have any questions, please feel free to reach out to our office at nmclerk@sos.nm.gov.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 GENERAL ELECTION

Secretary of State Reminders on Challengers at In-Person Polling Places

In an effort to ensure uniformity for this upcoming election the SOS provides the following guidance on how challengers should be accommodated in the polling location. This is not new guidance but is offered to articulate what conduct is allowed in a polling location for challengers. The law on challengers has not changed but some clerks have asked for clarity on this process. It must be stated upfront that the election board members have a constitutional duty to ensure that voters rights are protected, and they are the absolute authority in the polling location. At the same time challengers are allowed in the polling location by statute to view the process and interpose challenges. Therefore, below are a list of accommodations county clerks should ensure that challengers are provided. Please note that these accommodations in no way should impinge on the authority of the presiding judge or slow or inhibit a voter's ability to timely vote free of disruption. Additionally, any behavior outside of what is permitted should not be tolerated by election board members:

1. Challengers appointed by the county political-party chairs to in-person polling places have the right:
    a) To hear the full verbal exchange between voter and election judge/clerk described in NMSA 1978, § 1-12-10 (including the provision of the required voter identification); and
    b) To check that the information given by the voter matches that on the official voter rolls. *See* NMSA 1978, §§ 1-2-23, 1-2-26, 1-12-10 & 1-12-20.

2. Each county clerk has flexibility, at his or her option, to *provide* the challenger at a given polling place with the information necessary to conduct the check referred to in 1(b), in the manner the clerk deems fit, which may, but is not required to, include a laptop, or other clerk-provided printed source of the information so long as the information does not include any protected voter information.

3. If a county clerk elects not to provide the challenger at a given polling place with the information needed to conduct the verification referred to in 1(b) as contemplated in 2, then the clerk will ensure that the challenger is given reasonable accommodations to bring his or her own sources of the information to the polling place and to reference it while remaining close enough to the poll worker to hear the exchange referred to in 1(a). These reasonable accommodations should include:

    a) The regular provision of up-to-date voter rolls and absentee registers to the chairperson of each county political party to distribute to the party's challengers;

b) Allowing challengers to bring a laptop or tablet containing these files into the polling place and to access those files;
c) Providing seating reasonably nearby the poll worker such that a person of ordinary hearing ability can overhear the exchange referred to in 1(a); and
d) Providing a reasonable opportunity for the challenger to charge his or her laptop or tablet, including, if the setup of the polling place allows, continuous charging while seated near the poll worker. Though laptops will be allowed in the polling location for challengers, they may only be used for the permitted activities of a challenger and for no other purpose. In polling places at which more than one poll worker is checking in voters, the challenger need not be provided with seating nearby to each poll worker but should be given a reasonable opportunity to move unobtrusively between such poll workers.

Just as a reminder, a properly appointed challenger or member of the election board may interpose challenges only for the specific reasons outlined in Sections 1-12-20. A challenge may be interposed by a member of the precinct board or by a party challenger for *only* the following reasons at a General Election:

1. The person offering to vote is not registered to vote;
2. The person offering to vote is listed among those persons to whom an absentee ballot was mailed;
3. The person offering to vote has already cast a ballot in that election;
4. The person offering to vote is improperly registered because the person is not a qualified elector.

NMSA 1978, Section 1-12-20. Additionally, our administrative rule lays out what other behavior allowable and not allowable. Challengers, watchers and county canvass observers shall:

1. Not be permitted to perform any duty of an election board member;
2. Not handle the ballots, signature rosters, checklist of voters or voting machines or take any part in the counting or tallying of the ballots or the county canvass;
3. Not be allowed to view a voter's full date of birth or any portion of the voter's social security number;
4. Not interfere with the orderly conduct of the election, the counting or tallying of the ballots or the county canvass;

We will also attach our administrative rule on challengers to this guidance.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Thursday, October 20, 2022 3:16 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy; gschultz@santafecountynm.gov; mcox@santafecountynm.gov
Cc: SOS-Leadership; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] 2022 General Election: Guidance Documents
Attachments: 2022 Voter Guide_English.pdf; 2022 Voter Guide_Spanish.pdf; 2022 GE SOS AG Voter Advisory.pdf; 2022 General_Absentee Processing Guidance.pdf; 2022 General_Absentee Register Information.pdf; 2022 General_Emergency Voting Affidavit.pdf; 2022 General_Hand Tally Guidance.pdf; 2022 General_Provisional Qualification Guidance.pdf; 2022 General_Write-In Guidance.pdf; Clerks Memo - Disruption at the Polls.pdf; How to Enter Write-In Votes in SERVIS.pdf

County Clerks,

Please see the attached guidance documents for the 2022 General Election. Attached guidance documents include:

-2022 General_Absentee Processing Guidance
-2022 General_Absentee Register Information
-2022 General_Emergency Voting Affidavit
-2022 General_Hand Tally Guidance
-2022 General_Provisional Qualification Guidance
-2022 General_Write-In Guidance
-Clerks Memo - Disruption at the Polls
-How to Enter Write-In Votes in SERVIS

In addition to the guidance documents, we are reattaching the 2022 General Election Voter Guides in English and Spanish for your records and a voter information advisory for the upcoming election. Should you have any questions, please feel free to reach out to our office at nmclerk@sos.nm.gov.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

VOTER INFORMATION ADVISORY

FOR THE

2022 GENERAL ELECTION

PRODUCED BY
THE OFFICE OF THE NEW MEXICO
SECRETARY OF STATE
&
NEW MEXICO OFFICE OF THE
ATTORNEY GENERAL

ELECTION DAY IS NOV. 8, 2022

NMVOTE.ORG

Introduction & Overview

The 2022 General Election is an opportunity for voters across New Mexico to make their voices heard and decide on important candidates and questions that will shape the future of our great state.

Every eligible voter in New Mexico has the right to cast their ballot safely and freely, without being intimidated, threatened, or coerced. Voting is our most fundamental right and New Mexico's laws protect voters, poll workers, and election officials to maintain safety and order in and around the polling place.

Voter intimidation and discriminatory conduct, as well as obstruction or interference at the polls, is illegal under federal and New Mexico law. Any activity that threatens, harasses or intimidates voters, including any activity that is intended to, or has the effect of, interfering with any voter's right to vote is illegal, whether it occurs outside the polling place or inside the polling place.

This document provides voters, the media, and the general public with information for the 2022 General Election and includes information about:

- Dates and Deadlines for the 2022 General Election
- Mail-In/Absentee Voting
- In-Person Voting
- Who is Allowed at the Polling Place
- Prohibited Activities and Individuals at the Polling Place and Ballot Drop Box Locations

Know Your Rights

All registered voters have a right to cast a secret ballot without anyone bothering you or telling you how to vote. If someone interferes with your right to vote through threats, intimidation, or coercion, or you become aware of any interference with the right of New Mexico residents to vote, please contact the NM Office of the Attorney General at 1-844-255-9210, prompt 5.

Use Trusted Sources for Voting Information
Election officials, which include the Secretary of State's Office and New Mexico's 33 County Clerk's offices, are your sources for reliable and trustworthy election information. Be wary of misinformation being promoted or repeated by varying sources on television, online or on social media.

New Mexicans can find trusted information about the 2022 General Election, including polling locations, a ballot tracker, your sample ballot, and more at NMVOTE.ORG or by contacting your county clerk.

The Secretary of State's Office also has an election misinformation fact-check page that can be accessed at RUMOR.NMVOTE.ORG.

Secretary of State's Voter Hotline – 1-800-477-3632

Contact information for all 33 New Mexico County Clerks:
https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/

Dates & Deadlines

- **October 11** – Voter registration (by mail or online) closes.
    - Same Day Voter Registration (SDR)is available for eligible voters at their County Clerk's office or at any polling location in their county on Election Day. Check with your County Clerk for Early Voting locations that may also provide SDR.
- **October 11** – First day of Early Voting (at the county clerk's office) and the first day that mail-in/absentee ballots can be mailed to voters (who have previously submitted an absentee application).
- **October 22** – Expanded Early Voting begins at voting locations throughout your county.
- **November 3** – Last day to request a mail-in/absentee ballot.
- **November 5** – Last day of Early Voting.
- **November 8** – General Election Day. Polls open 7:00am-7:00pm.

Mail-In/Absentee Voting for the 2022 General Election

Voting with a mail-in (absentee) ballot is a safe and easy way to participate in the November election.

Applying for an Absentee Ballot
Any registered voter may apply to receive an absentee ballot by mail. To apply online go to NMVOTE.ORG or contact your local county clerk.

Beginning on October 11 (28 days prior to Election Day), county clerks will begin mailing absentee ballots to voters who have applied for one.

The deadline to apply for a mail-in/absentee ballot is November 3.

Completing an Absentee Ballot
Once you receive your ballot, it is important to follow the instructions to complete the ballot including the required information on the official return envelope.

Returning an Absentee Ballot
The return envelope includes pre-paid postage and is pre-addressed for delivery back to the county clerk, so you may drop it in a mailbox or at a post office or you may hand deliver the sealed absentee ballot envelope to the county clerk's office or to any polling location. You may also return your sealed absentee ballot to any secure ballot drop box in your county.

Pursuant to state law only a voter, caregiver to that voter or member of that voter's immediate family may deliver that voter's absentee ballot to the county clerk in person or by mail. "Immediate family" means the spouse, children, parents or siblings of a voter. If any one of these authorized people returns the mailed ballot of the voter, they must sign the official mailing envelope.

In all cases, the ballot must be delivered by 7:00pm on Election Day or it will not be counted.

What if you decide to vote in person, rather than vote your requested absentee ballot? A voter may be issued a replacement ballot when they show up at a voting location. The voter will be asked by the poll official to sign an affidavit attesting that they have not and will not vote (return) the absentee ballot previously issued and they will then receive their replacement ballot that may be voted and fed into the tabulator. If for some reason the county clerk is unable to determine whether or not the absentee ballot has already been returned by the voter, a provisional ballot may be issued in lieu of the replacement ballot for later review to determine qualification.

Tracking an Absentee Ballot
You may track the status of your absentee application or ballot through the secure Voter Information Portal at NMVOTE.ORG. This website will provide information regarding whether or not your ballot was received by the county clerk and whether it has been accepted.

You may also contact your local county clerk for information on the status of your absentee ballot.

In-Person Voting for the 2022 General Election

Early and Election Day Voting
Registered voters may vote at any Early or Election Day polling location in your county. Hours of operation for Early Voting locations will vary. Check NMVOTE.ORG or contact your county clerk to find a polling location near you.

All Election Day polling locations are required to be open from 7:00am to 7:00pm on November 8.

When you appear to vote in person, you will first be checked in by a poll worker who will ask you to provide voter identification – verify your name, registered address, and year of birth. Once you sign in, you will be issued a ballot and directed to a voting booth where you will be provided privacy to mark your ballot.

Once you are finished marking your ballot, you will be directed to insert it into a tabulation machine to be counted.

Voters with Disabilities
You may request assistance with voting in a polling location if you are blind, physically disabled, unable to read or write or are a member of a language minority. Any person of your choice, including a poll worker, may assist you, except your employer, a union agent, or a candidate whose name is on the ballot.

Additionally, accessible voting and ballot marking devices are available at every polling location for voters who are blind or have low vision, or who have motor or hearing impairments.

Secured, Monitored Ballot Drop Boxes
Ballot drop boxes are secured containers required to be under 24-hour video surveillance and are checked regularly by county clerk staff who collect the ballots.

All ballot drop boxes are an extension of a polling location. As such, electioneering within 100 feet and other prohibited activities mentioned in this document apply to all ballot drop box locations.

Pursuant to state law, only a voter, caregiver to that voter, or member of that voter's immediate family may deliver that voter's absentee ballot.

Who is Allowed at a Polling Place

Aside from voters, individuals authorized to be inside of a polling location should be wearing official name badges and/or have a letter of authorization from a party chairperson or the Secretary of State authorizing their presence in a polling location.

The following persons are permitted in the polling place while voting is occurring:

- Election Board Members (aka “Poll Workers”)
    - Election board members are the workers hired by the county clerk to run the polling location. These workers are responsible for ensuring the proper conduct of voting which includes checking in voters, issuing ballots, supervising the tabulation machines, and keeping order.
    - The lead election board member is known as the Presiding Judge (PJ). At a minimum there are at least one PJ and two election judges at every polling location. There may also be any number of election clerks present as deemed appropriate by the county clerk. The PJ and one election judge are always of differing political parties.
    - The PJ is responsible for enforcing the rules for the conduct of the election at the polling place. For example: 1) who is permitted within the polling place, 2) the number of voters permitted inside, 3) electioneering rules, and 4) ensuring orderly conduct. The PJ or any election judge may call upon various law enforcement authorities to assist him or her to that end.

- Voters
    - Voters in the process of voting, along with their children, are allowed in the polling location. Additionally, if a voter qualifies to receive voting assistance under the law, a person may bring someone of their choice to assist them, with few exceptions. A voter may request assistance if he or she is blind, physically disabled, unable to read or write, a member of a language minority who has an inability to read well enough to exercise the elective franchise, or requires assistance in operating the voting system provided for people with disabilities.

- Election Staff or Messengers
    - Messengers or credentialed agents working on behalf of the county clerk or Secretary of State are authorized to be present at a polling location. These people include election staff or vendors assigned to deliver supplies, pick up absentee ballots, and troubleshoot tabulation equipment or check-in computer stations. This may also include

credentialed staff authorized to monitor the conduct of elections at a polling location.

- Challengers
    - Challengers are appointed, in writing, by a county or state political party to be present at a polling location. They are required to be voters in the county to which they are appointed. Each party may have one challenger per polling location. Challengers serve as a check and balance to poll workers and may raise a "challenge" to the PJ under certain conditions. For example: 1) If the person offering to vote is not registered to vote, 2) a person has already voted in the election, or 3) a person is improperly registered or not a qualified elector. If a challenge is raised, the PJ is trained to handle this in accordance with statute.
    - Challengers may not perform any duty of an election board member or touch ballots, voting rosters, or other election related materials. They should only interact with the PJ and challenges may not be made indiscriminately or without good cause.

- Watchers
    - Election related organizations or any group of three candidates may appoint watchers to observe the conduct of voting in a polling location. They are required to be voters in the county to which they are appointed. The names of these people must be submitted to the secretary of state in advance of their service and, if authorized, they will be issued a letter by the Secretary of State granting them access to the polling place. These individuals are not authorized to issue a challenge but may take notes and observe the proceedings.

- Election Observers
    - These individuals are registered with the US Department of State and the Secretary of State and are typically international visitors with an academic interest in the election process. These individuals will be issued a letter by the Secretary of State granting them access to the polling place. These individuals are silent observers.

- Media
    - While the New Mexico Election Code does not specifically address media in the polling place, the county clerk or PJ may choose to allow media access as long as it is not interfering with the voting process or compromising the secrecy of the ballot.

- The Role of Law Enforcement
    - No member of state police or other peace officers may interfere in any way with a member of the election board, a voter, or the conduct of election, except to assist in maintaining order when requested by the PJ or other election judge. The PJ or any election judge may request peace officers to assist by standing outside the polling location entrance and controlling the admission of voters to the polling place.
    - There are specific penalties in the election code against law enforcement that enter the polls without authorization. See Section 1-12-5 NMSA 1978. It is not appropriate for uniformed law enforcement to be present inside or outside of a polling location without being specifically called to assist with maintaining order by the election board or county clerk.

Prohibited Activities and Individuals at the Polling Place and Ballot Drop Box Locations

Anyone who intentionally refuses to permit a person to vote who is entitled to under law commits a crime under the Federal Voting Rights Act of 1965 and the New Mexico Election Code. Some specific activities are prohibited under federal and state law and are summarized in the following sections.

- Unauthorized Individuals
    - The PJ is the first line of defense in asking unauthorized individuals at a polling location to leave immediately. If an individual is resistant to following instructions or to leaving, the PJ has been instructed to contact law enforcement and the county clerk.

- Only authorized challengers, watchers, and observers are permitted inside a polling location. Self-appointed watchers, such as private citizens, individuals purportedly appointed by organizations or private militia type groups, are not allowed to linger in the polling location and can easily present a disruption.
- Additionally, authorized challengers, watchers, or observers may not directly confront voters. They also may not use raised voices or insulting, offensive, or threatening language. No one may interfere with the duties of the election board members.
- Persons not authorized to be in the polling place or willfully blocking the entrance of a polling place may be guilty of obstructing the polling place.

- Voter Intimidation
  - Voter intimidation is a crime under federal and state laws. Under the New Mexico Election Code, intimidation consists of "inducing or attempting to induce fear in any member of an election board, voter, challenger, or watcher by use of or threatened force, violence, infliction of damage…for the purpose of impeding or preventing the free exercise of the elective franchise or the impartial administration of the election."
  - Some examples of voter intimidation <u>may</u> include:
    - Violent behavior inside or outside the polling site
    - Verbal threats of violence
    - Confronting voters while wearing military-style or official-looking uniforms
    - Spreading false information about voter fraud, voting requirements, or related criminal penalties
    - Brandishing firearms or the intimidating display of firearms
    - Aggressively approaching voters' vehicles or writing down voters' license plate numbers
    - Disrupting voting lines or blocking the entrance to the polling place
    - Harassing voters, aggressively questioning them about their qualifications to vote

        - Following voters to, from, or within the polling place

- Firearms in Polling Places
    - New Mexico has no ban on guns at polling places. However, in New Mexico brandishing or using a firearm in a threatening or intimidating manner could be considered voter intimidation. Certain locations designated as polling places may have separate statutory limitations on carrying firearms, e.g. schools.

- Electioneering
    - Electioneering includes the display or distribution of signs or campaign literature, campaign buttons, t-shirts, hats, pins or other such items and includes the verbal or electronic solicitation of votes for a candidate or question.
    - The New Mexico Election Code prohibits electioneering within 100 feet of a polling location or secured, monitored ballot drop box.

- Coercion & Bribes
    - It is against state law to offer a bribe or accept a bribe related to voting for or refraining to vote for or against any candidate or ballot question.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election
ABSENTEE BALLOT QUALIFICATION, PROCESSING & CHALLENGED ABSENTEE BALLOT GUIDANCE

Purpose:
In an effort to uniformly administer the 2022 General Election we provide the following guidance on absentee ballot qualification and processing in accordance with New Mexico State law and administrative code, as well as guidance on how the curing process should be undertaken for a properly affirmed challenged absentee ballot. This guidance is not new but is provided to refresh the clerk's responsibilities in the disposition of challenged absentee ballots. This document contains guidance on common questions related to processing absentee ballots under current law, outlines the qualification process, as well as the role of the clerk, the absentee election board, and watchers.

Important Resources:
Article 6 of the Election Code - Absentee Voting
1.10.12 NMAC– Absentee Voting
1.10.22 NMAC - Provisional Voting

All election related administrative rules (NMAC) can be found at: https://www.sos.state.nm.us/legislation-and-lobbying/legal-resources/nm-administrative-rules/

When can an absentee board convene to begin qualifying ballots?
The county clerk may convene an election board to begin qualifying (accepting or rejecting) mailed ballots at any time after mailed ballots have been sent to voters through the 5th day before the election. *Refer to Section 1-6-14(A), NMSA 1978.*

Separating envelopes from the ballot and registering ballots into the voting system shall begin as follows:

- If a county has sent fewer than 10,000 mailed ballots: November 3, 2022 *(1-6-14(F), NMSA 1978)*
- If a county has sent 10,000 or more mailed ballots: October 25, 2022 *(1-6-14(G), NMSA 1978)*

What is the clerk's role in processing absentee ballots for the General Election?
County Clerks are responsible for sending and receiving mailed ballots, which includes ballots for visually impaired voters, domestic absentee, UOCAVA ballots, FWAB ballots, and those for mail ballot election precincts. Safe at Home ballots are transmitted to the SOS by the counties; the SOS in turn mail the ballot to the voter, and the voter returns the ballot directly to the county. When receiving mailed ballots, the clerk shall mark the ballot received and update the absentee register.

Clerks are also responsible for:

1. Responding to requests for replacement ballots by voters who were already issued a ballot;
2. Providing instruction to the absent voter precinct board members;
3. Notifying voters of rejected mailed ballots; and
4. Ensuring an accurate and balanced canvass of returns of all mailed ballots:
    a. Number of ballots received is equal to the number of voters logged as returning a ballot;
    b. Number of counted ballots equals the number of voters logged as having an accepted ballot; and
    c. Number of rejected ballots equals the number of voters logged as having a rejected ballot.

For this election, there is no county review of SSN and signature since the provisions outlined in SB4 (2020) have sunset. Clerks should ensure that the absent voter precinct board is aware of the ballot qualification process and rejection reasons, which are outlined in Section 1-6-14, NMSA 1978, as well as the first-time voter ID requirements, as outlined in Section 1-4-5.1(I)(3), NMSA 1978.

Are challengers, watchers and election observers permitted in this election?

Challengers, watchers, and election observers may be appointed to serve during Absentee, Early or Election Day voting. All the permitted activities are listed in Sections 1-2-23, 1-2-25 and 1-2-29, NMSA 1978.

What are challengers permitted to challenge during the processing of Absentee ballots?

A lawfully appointed challenger may view the official mailing envelope and may challenge the ballot of any mailed ballot voter for the following reasons:

1. The official mailing envelope has been opened by someone other than the voter prior to being received by the absent voter election board.
2. The official mailing envelope does not contain a signature.
3. The official mailing envelope does not contain the required voter identification.
4. The person offering to vote is not a voter as provided in the Election Code.

If a challenge is upheld by unanimous vote of the presiding judge and the election judges, the official mailing envelope shall not be opened but shall be placed in a container provided for challenged ballots. If the reason for the challenge is satisfied by the voter before the conclusion of the county canvass or as part of an appeal, the official mailing envelope shall be opened, and the vote counted.

If the official mailing envelope has been properly subscribed and the voter has not been challenged, the judges or election clerks shall enter the voter's name and residence address as shown on the official mailing envelope and shall make the appropriate notation opposite the voter's name in the "Notations" column of the register.

When qualifying ballots, what are the rejection reasons?

Generally, absentee ballots should only be rejected by the absent voter election board if the voter:

1) Did not sign the oath on the outer retuned mailed ballot envelope; or
2) If the voter did not provide, and had not previously provided, the required voter identification.

Required voter identification is determined to be missing if the voter is a new registrant who registered by mail without submitting the required documentary identification and does <u>not</u> provide this information with the returned mailed ballot as required by Section 1-4-5(C), NMSA 1978.

If the absentee ballot is rejected based on the above, the ballot should be treated as a disqualified provisional ballot. *See Section 1-6-14(J), NMSA 1978. Notification of a rejected absentee ballot shall begin with the closing of the polls on election day through the tenth day following the election by mail. The voter will have until the*

Friday prior to the meeting of the state canvassing board to appeal to the county clerk a decision to reject the voter's ballot. See Section 1-12-25.2(C), NMSA 1978.

The absentee application and ballot rejection reasons (BOD and SERVIS) have been updated to align with the current statutory authority.

Ballot Rejection Reasons
Voter did not sign
Received after Deadline
Voter Not Eligible

The other potential qualification dispute in Section 1-6-14 is when a challenge is made to the absentee ballot. The basis for challenging an absentee ballot is limited and are listed in statute:

> *"A lawfully appointed challenger may view the official mailing envelope and may challenge the ballot of any mailed ballot voter for the following reasons:*
>
> > *(1) the official mailing envelope has been opened by someone other than the voter prior to being received by the absent voter election board;*
> > *(2) the official mailing envelope does not contain a signature;*
> > *(3) the official mailing envelope does not contain the required voter identification; or*
> > *(4) the person offering to vote is not a voter as provided in the Election Code."*

The language "*contain*" in Sections 1-6-14(C)(2),(3), can only mean that the space for a voter to provide the required information and/or signature is blank, and not just incomplete. If a challenge is made and is upheld, the voter must be allowed to correct the issue before the conclusion of the county canvass or through the provisional ballot appeal procedure.

NMSA 1978, Section 1-6-14(D) states:

> *"If a challenge is upheld by unanimous vote of the presiding judge and the election judges, the official mailing envelope shall not be opened but shall be placed in a container provided for challenged ballots**. If the reason for the challenge is satisfied by the voter before the conclusion of the county canvass or as part of an appeal, the official mailing envelope shall be opened, and the vote counted"***

The county clerk should attempt to confirm any affirmed challenged absentee ballot as they would a provisional paper ballot <u>before</u> the appeal process is afforded to the voter. So, the county clerk should review the affirmed challenged ballot pursuant to NMSA 1978, Sections 1-12-25.3, 25.4, and 29.1. The essential analysis the clerk should undertake during this process is that absentee ballot should not be rejected solely "for lack of the all the information required (name, address, voter's date of birth, ect…), and the clerk should qualify the challenged ballot if the voter has provided a *valid signature* and *sufficient information for the clerk to determine the voter is a qualified elector*. If the county clerk can confirm this information on the challenged absentee ballot, the ballot should be qualified, opened, and counted in the proper counting group. This interpretation is also supported NMSA 1978, Section 1-12-29.1(B) which states:

> "When qualifying provisional, *absentee* and other paper ballots, middle initials, suffixes and addresses shall not be dispositive as to whether that person's ballot is qualified and counted in the vote totals, provided that the county clerk can otherwise verify the person is a voter based on the information provided on the outer envelope of the paper ballot or affidavit."

If the signature is missing or the county clerk cannot verify that the voter is registered in the county based on the information provided, the county clerk must contact the voter and inform them of the reason why their ballot was rejected and of the appeal process. The voter has until the completion of the county canvass to correct the issue causing the absentee ballot to be rejected.

What is the process followed by the absent voter precinct board?

The absent voter precinct board (also known as an absentee election board) is responsible for the qualification review of absentee ballots, as well as reconciling the number of accepted and rejected ballots with the absentee register. To accomplish this, the absentee board shall ensure that the accepted and rejected ballots are separated correctly, that information is complete, and that the absentee register is properly marked.

Section 1-12-29.1, NMSA 1978, states that when qualifying an absentee ballot, middle initials, suffixes, and addresses shall not be dispositive as to whether that person's ballot is qualified and counted, provided that the clerk can otherwise verify the person is a voter based on the information provided on the outer envelope.

The absent voter precinct board must reconcile the number of accepted and rejected ballots with the absentee register using the absentee roster provided by the Secretary of State.

<u>Processing Absentee Ballots:</u>

1. The absentee board will review the absentee envelope to ensure that there is a signature and that the required information is provided, if needed, and determine whether the ballot is accepted or rejected.
2. The board shall then confirm that the total number of ballots that were accepted appear as "accepted" on the absentee register. The board shall also confirm that the total number of ballots rejected appear as "rejected" on the absentee register.
3. The presiding judge shall ensure that all official mailing envelopes rejected for lack of signature remain **<u>unopened</u>** in a secure container provided for rejected ballots.
    a. *Please Note: if a voter has been flagged on the absentee roster as a new registrant in the state and who registered by mail without submitting the required documentary identification, the county clerk shall notify the voter that the voter must submit with the mailed ballot a form of required documentary identification. The voter must submit this required documentation when returning the voted mailed ballot to the county clerk, pursuant to Section 1-6-5 (C). The absentee election board shall open the returned mailing envelope to retrieve the required identification provided by the voter to qualify the ballot. If, the required identification is not returned with the mailed ballot, then a notation of "Rejected-Missing Required Voter Identification" shall be made and the envelope placed in the secure container for rejected ballots.*
4. At the allowable time, the board may begin separating the accepted ballots from the envelopes and prepare the ballots for tabulation.
5. At the allowable time, the board shall register the ballots. The ballots may be registered using a machine that is properly set up to accept absentee ballots; the board will also hand tally all ballots that cannot be read by a machine.
6. The board shall prepare and sign all applicable reports and results tapes; the board will also confirm that the total number of ballots "accepted" and "rejected" reconcile to the register, by completing the absentee roster.
7. The board will then prepare a tally displaying the number of ballots accepted, and a tally displaying the ballots rejected and not counted, to include the reason for rejection.
8. As part of the canvassing process, the County Clerk shall forward copies of the absentee roster, along with any hand tally and write-in sheets to the Secretary of State immediately upon certification of the election.

What if an absentee voter has first time voter ID requirements?
When a clerk is logging receipt of an absentee ballot in the BOD or SERVIS, they may encounter a voter record that indicates a requirement for providing identification documents in accordance with Section 1-6-5(C), NMSA 1978, because the required identification was not provided at the time the voter registered to vote. The absentee board will verify that the voter has provided a copy of the required voter identification and either accept or reject the ballot. If a mailed ballot is rejected, it must be handled in the same manner as a disqualified provisional ballot by sending a letter by mail.

How should ballots that are not delivered by an immediate family member or caregiver be processed?
Section 1-6-10.1, NMSA 1978, allows for a caregiver or immediate family member of the voter to deliver a ballot that is otherwise properly subscribed on the official mailing envelope. Immediate family member is defined to include spouse, children, parents, or siblings of a voter. Caregiver is not further defined.

All election officials should ensure that ballot drop off is being completed in accordance with this law. In addition, poll workers at in-person polling locations should be instructed to ask who is dropping off ballots and ensure that immediate family members and caregivers are signing in the appropriate location on the official mailing envelope (if applicable). Challengers, watchers, and election observers may monitor and report occurrences if they believe election officials are not following this requirement. **There is no specific provision in the election code that allows for rejection of a ballot based on who delivered it.**

In all cases, election officials should be wary of voter fraud and may set aside ballots (in a secure manner) that may have been delivered under suspicious circumstances in order to request additional guidance from the county clerk, county attorney, or secretary of state.

What if two ballots are contained inside one envelope?
An absentee ballot inner envelope that contains two ballots shall be counted if the determination can be made that the outer envelope contains the required voter information for both voters, the absentee ballot register confirms the issuance of absentee ballots to the voters who signed, and it has been determined that the voters have not already voted in the election.

Absentee ballot envelopes that are not in compliance with one or more of the requirements listed above shall be logged by the absentee board as "rejected" in the absentee ballot register, along with the reason for rejection. (Example: If the envelope contains two ballots and only one voter signature on the outer envelope, the absentee board should "reject" under the first option referred above – "Voter Did Not Sign").

What if an envelope is empty?
An absentee ballot inner envelope containing no ballot shall be "accepted" if the outer envelope contains the required voter information, the absentee ballot register confirms the issuance of the ballot to the voter who signed the outer envelope, and the voter has not voted in any other manner during the election. A notation will need to be made on the register since the canvass will be out of balance where there is an accepted voter but no ballot.

Absentee ballot envelopes that are not in compliance with one or more of the requirements listed above shall be logged by the absentee board as "rejected" in the absentee ballot register, along with the reason for rejection.

What if a ballot is submitted inside the official mailing envelope but not inside the inner envelope?
An absentee ballot submitted without the inner envelope shall be "accepted" if the outer envelope contains the required voter information, the absentee ballot register confirms the issuance of the ballot to the voter who signed the outer envelope, and the voter has not voted in any other manner during the election. A member of the absentee board may insert the ballot into an inner envelope if this is deemed necessary to protect the secrecy of the ballot, prior to the ballot being counted.

Absentee ballot envelopes that are not in compliance with one or more of the requirements listed above, shall be logged by the absentee board as "rejected" in the absentee ballot register, along with the reason for rejection.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election
ABSENTEE REGISTER SUBSCRIBER INFORMATION

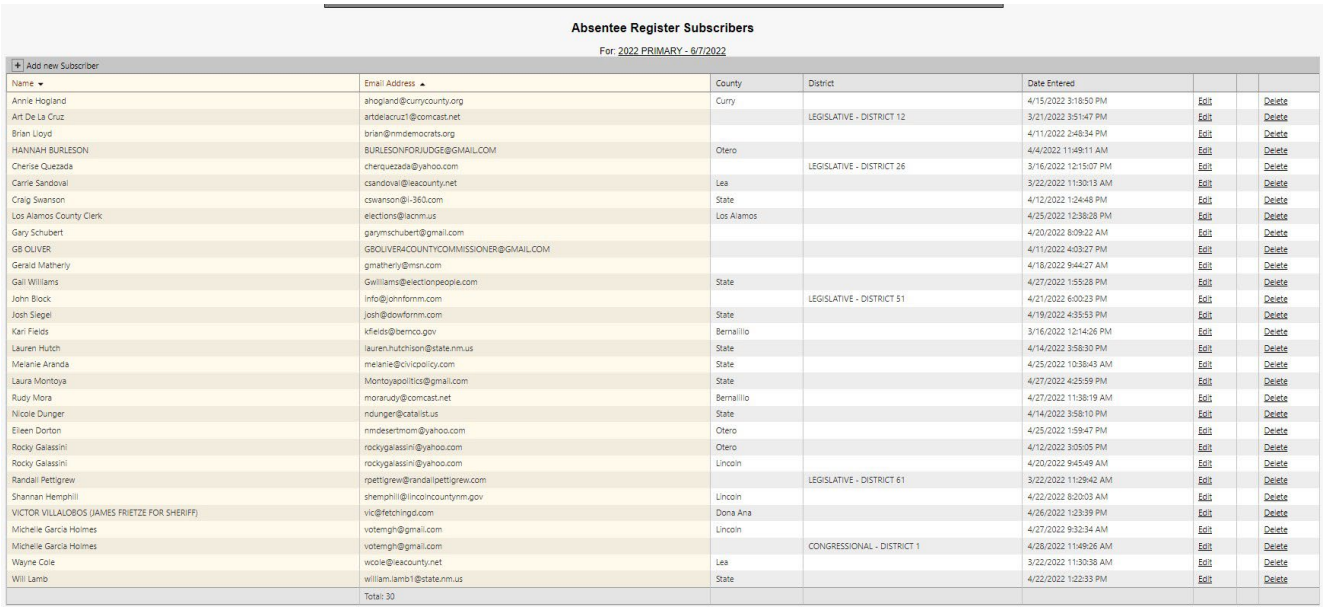
The Absentee Register will become active on October 12, 2022, and will be emailed daily at 6:00 am, Noon, and 6:00 pm. This document serves as an overview of the data elements included in the register. If you have any questions, please email them to nmclerks@sos.nm.gov

Adding Subscribers

In SERVIS, you can add subscribers under Elections> Absentee Register Subscribers.

Please be advised that the absentee register is a data request, like any other, and a fee is applicable.

As a best practice, county staff members should enter their information as subscribers. By subscribing, county staff can validate that emails are sent and see what the subscriber sees daily.



Absentee Register Subscribers

For: 2022 PRIMARY - 6/7/2022

Add new Subscriber

Name	Email Address	County	District	Date Entered			
Annie Hogland	ahogland@currycounty.org	Curry		4/15/2022 3:18:50 PM	Edit		Delete
Art De La Cruz	artdelacruz1@comcast.net		LEGISLATIVE - DISTRICT 12	3/21/2022 3:51:47 PM	Edit		Delete
Brian Lloyd	brian@nmdemocrats.org			4/11/2022 2:48:34 PM	Edit		Delete
HANNAH BURLESON	BURLESONFORJUDGE@GMAIL.COM	Otero		4/4/2022 11:49:11 AM	Edit		Delete
Cherise Quezada	cherquezada@yahoo.com		LEGISLATIVE - DISTRICT 26	3/16/2022 12:15:07 PM	Edit		Delete
Carrie Sandoval	csandoval@leacounty.net	Lea		3/22/2022 11:30:13 AM	Edit		Delete
Craig Swanson	cswanson@i-360.com	State		4/12/2022 1:24:48 PM	Edit		Delete
Los Alamos County Clerk	elections@lacnm.us	Los Alamos		4/25/2022 12:38:28 PM	Edit		Delete
Gary Schubert	garymschubert@gmail.com			4/20/2022 8:09:22 AM	Edit		Delete
GB OLIVER	GBOLIVER4COUNTYCOMMISSIONER@GMAIL.COM			4/11/2022 4:03:27 PM	Edit		Delete
Gerald Matherly	gmatherly@msn.com			4/18/2022 9:44:27 AM	Edit		Delete
Gail Williams	Gwilliams@electionpeople.com	State		4/27/2022 1:55:28 PM	Edit		Delete
John Block	info@johnfornm.com		LEGISLATIVE - DISTRICT 51	4/21/2022 6:00:23 PM	Edit		Delete
Josh Siegel	josh@dowfornm.com	State		4/19/2022 4:35:53 PM	Edit		Delete
Kari Fields	kfields@bernco.gov	Bernalillo		3/16/2022 12:14:26 PM	Edit		Delete
Lauren Hutch	lauren.hutchison@state.nm.us	State		4/14/2022 3:58:30 PM	Edit		Delete
Melanie Aranda	melanie@civicpolicy.com	State		4/25/2022 10:38:43 AM	Edit		Delete
Laura Montoya	Montoyapolitics@gmail.com	State		4/27/2022 4:25:59 PM	Edit		Delete
Rudy Mora	morarudy@comcast.net	Bernalillo		4/27/2022 11:38:19 AM	Edit		Delete
Nicole Dunger	ndunger@catalist.us	State		4/14/2022 3:58:10 PM	Edit		Delete
Eileen Dorton	nmdesertmom@yahoo.com	Otero		4/25/2022 1:59:47 PM	Edit		Delete
Rocky Galassini	rockygalassini@yahoo.com	Otero		4/12/2022 3:05:05 PM	Edit		Delete
Rocky Galassini	rockygalassini@yahoo.com	Lincoln		4/20/2022 9:45:49 AM	Edit		Delete
Randall Pettigrew	rpettigrew@randallpettigrew.com		LEGISLATIVE - DISTRICT 61	3/22/2022 11:29:42 AM	Edit		Delete
Shannan Hemphill	shemphill@lincolncountynm.gov	Lincoln		4/22/2022 8:20:03 AM	Edit		Delete
VICTOR VILLALOBOS (JAMES FRIETZE FOR SHERIFF)	vic@fetchingd.com	Dona Ana		4/26/2022 1:23:39 PM	Edit		Delete
Michelle Garcia Holmes	votemgh@gmail.com	Lincoln		4/27/2022 9:32:34 AM	Edit		Delete
Michelle Garcia Holmes	votemgh@gmail.com		CONGRESSIONAL - DISTRICT 1	4/28/2022 11:49:26 AM	Edit		Delete
Wayne Cole	wcole@leacounty.net	Lea		3/22/2022 11:30:38 AM	Edit		Delete
Will Lamb	william.lamb1@state.nm.us	State		4/22/2022 1:22:33 PM	Edit		Delete
	Total: 30						

Subscribers will receive the following email three times daily with a link to download the most current data:

Daily Absentee Register

ES

Elections, SOS, SOS
To Hutchison, Lauren, SOS

Reply | Reply All | Forward | ...

Thu 4/28/2022 12:14 PM

Start your reply all with: Thank you for the information. | Got it, thanks! | Thank you! | Feedback

Below is a link to the daily absentee voting list for the jurisdiction that you have requested. The list reflects the voters that have either requested an absentee ballot, were sent an absentee ballot, Or who returned an absentee ballot today through their County Clerk's Office. This information is sent out daily during the absentee and early voting period.

https://voterportal.servis.sos.state.nm.us/AbsenteeRegisterFile.aspx?guid=384a7a0c-e010-46bb-a699-2ad578f7def8

Thank you,
New Mexico Secretary of State's Office
Bureau of Elections
325 Don Gaspar, Suite 300
Santa Fe, NM 87501
Phone: (505) 827-3600 Fax: (505) 827-8403
Email: sos.elections@state.nm.us
Webpage: http://www.sos.state.nm.us

On the portal, the subscriber will need to enter the email they provided for the request:

New Mexico Secretary of State
Voter Services

SOS HOME PAGE | VOTER INFORMATION PORTAL

Select Language

Absentee Register File Access

Welcome to the New Mexico Secretary of State's Secure Voter Information Portal. You have received an email to access your file. Please complete the required field listed below to access your file.

File Access

E-mail Address: LAUREN.HUTCHISO

Submit | Clear

Once submitted, the browser will prompt the subscriber to download the file.

The absentee register downloads as a CSV file and contains information for each voter who has submitted an absentee request – including the voter's name, address, districts, and relevant voting information.

Please note that emailed absentee ballots and vote type are available in the data, the date the ballot was sent and received, and the ballot status.

nRe	Applicatic	Applicatic	Applicatic	Ballot Del	BallotSent	BallotReceiv	Ballot Stat	Ballot Rej	Vote Type
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee
021	Electronic	Accepted		Mail					Absentee
021	Electronic	Accepted		Mail					Absentee
021	In Person	Accepted			5/11/2022	5/19/2022	Received		Early Vote
021	Electronic	Accepted		Mail					Absentee
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee
021	Electronic	Accepted		Mail					Absentee
021	Electronic	Accepted		Mail					Absentee
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee
021	Electronic	Accepted		Mail	5/11/2022				Absentee
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee
021	Electronic	Accepted		Mail					Absentee
021	In Person	Accepted			5/11/2022	5/18/2022	Received		Early Vote
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee
021	Electronic	Accepted		Mail					Absentee
021	Mail	Accepted		Mail					Absentee
021	Electronic	Accepted		Mail					Absentee
021	Email	Accepted		Email	5/11/2022		Sent		Absentee
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee
021	Electronic	Accepted		Mail					Absentee
021	Electronic	Accepted		Mail					Absentee
021	In Person	Accepted			5/11/2022	6/1/2022	Received		Early Vote
021	Electronic	Accepted		Mail					Absentee
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee
021	Email	Accepted		Email	5/11/2022	5/21/2022	Received		Absentee
021	Electronic	Accepted		Mail					Absentee
021	Electronic	Accepted		Mail	5/11/2022		Sent		Absentee

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

AFFIDAVIT

Inability to Appear for In-Person Voting and Request for Issuance of a Ballot

I, the undersigned, do hereby declare:

That _____, is physically unable to appear in
Print name as registered (Person unable to appear)

person to vote in the 2022 General Election, due to confinement in a hospital, sanatorium, nursing home, or residence; and the period for requesting an absentee ballot has passed; therefore, said voter is requesting that a ballot be delivered by _____.
Printed full legal name of designated representative

I certify under penalty of perjury under the laws of the State of New Mexico that the foregoing information is true and correct.

Executed on: _____

_____ _____
Signature of person unable to appear (voter) *Signature of designated representative*

Health Care Provider Certification

To be completed by the Health Care Provider

I, the undersigned health care provider, under penalty of perjury under the laws of the State of New Mexico, hereby certify that the above-named person is currently confined to a hospital, sanatorium, nursing home, or residence and is unable to appear in person to vote.

_____ _____ _____
Signature of Health Care Provider *Printed Name of Health Care Provider* *Date*

Revised 10/2022

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election
Determining Voter Intent

In an effort to uniformly administer the 2022 General Election we provide the following guidance on determining voter intent for hand tally ballots.

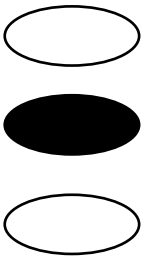
What constitutes a vote?

All ballots read by a ballot scanner shall be counted per the applicable provisions of the New Mexico Election Code. The following guidance shall apply in determining whether a ballot has been properly voted and whether a vote should be counted for any office when counting ballots by hand. This guidance should be used in concert with *NMSA 1978, Section 1-1-5.2*, to provide statewide uniformity to election administrators in determining the "intent of the voter" to diminish the chances for voter disenfranchisement broadening the universe of valid ballot markings.

> IMPORTANT: Remind poll officials that it is not their responsibility to communicate hand tally votes to the voters at the polling location. In addition, poll officials shall NOT record hand tally ballots at the polling location, this will be completed by the election board when the ballots are delivered to the clerks office on Election Night. (NMSA 1978, Section 1-12-18 and 1-12-29)

1. As specified by the legally valid ballot instructions, a ballot properly marked in the target area for an office or ballot question shall be counted as a vote for that candidate or ballot response.

For Governor (vote for one)



George Washington

Abraham Lincoln

John Adams

Valid Vote for Abraham Lincoln

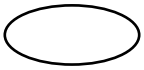
2. A ballot containing a clear mark indicating the intent of the voter, any portion of which is contained in the target area and does not enter another target area, shall be counted as a vote for that candidate or ballot response.

Examples:

For Governor (vote for one)

George Washington

Abraham Lincoln



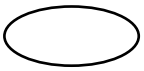
John Adams

Valid Vote for George Washington

For Governor (vote for one)

George Washington

Abraham Lincoln

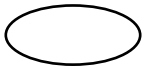


John Adams

Valid Vote for Abraham Lincoln

3. A ballot with any mark in the target area that partially extends into another target area (or areas) shall not be counted for that office or ballot question.

For Governor (vote for one)



George Washington

Abraham Lincoln

John Adams

Invalid Vote

4. A ballot with any mark in the target area that partially extends into an area surrounding a candidate or ballot response, other than its target area, shall be counted as a vote for the candidate or ballot response so marked.

For Governor (vote for one)

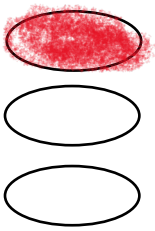
George Washington

Abraham Lincoln

John Adams

Valid Vote for John Adams

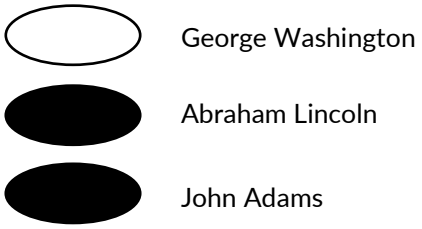
5. A ballot properly marked with any device other than the marking device provided to the voter shall be counted.



Valid Vote for George Washington

6. A ballot with marks for more candidates in an office or more responses to a ballot question than permitted shall be deemed an overvote, **and no vote shall be counted for that office or ballot question.**

For Governor (vote for one)

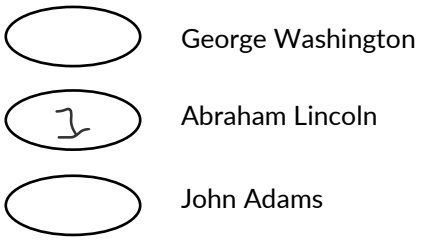


Invalid Vote

7. A ballot on which writings or remarks in the target area appear to be ranking candidates (letters, numbers, etc.) shall be considered valid marks ***ONLY*** if they **do not** exceed the number of candidates permitted to be elected for that office.

Scenario A:

For Governor (vote for one)



Valid Vote for Abraham Lincoln

Scenario B:

For Governor (vote for one)

George Washington

Abraham Lincoln

John Adams

Invalid Vote

Scenario C:

For Governor (vote for two)

George Washington

Abraham Lincoln

John Adams

Valid Votes for Abraham Lincoln & George Washington

8. A ballot with any writings or remarks regarding one or more candidates or ballot responses shall not be counted as a vote for that office or question unless clarified by an additional mark or marks in the target area(s) that indicate support for the candidate(s) or ballot response(s).

Examples:

For Governor (vote for one)

George Washington

Abraham Lincoln

John Adams

Valid Vote for John Adams

For Governor (vote for one)

George Washington YES!

Abraham Lincoln

John Adams

Invalid Vote

9. A ballot on which the voter casts a vote on the ballot and properly writes in a different candidate in the write-in area shall be considered an overvote for that office if the number of chosen candidates exceeds the number permitted to be voted for in that office, and no vote shall be counted.

Example:

For Governor (vote for one)

George Washington

Abraham Lincoln

John Adams

Write-In: ALEXANDER HAMILTON

Invalid Vote

10. A properly cast write-in vote shall contain a mark in the target area and, in the space provided, the written name of a candidate whose name does not otherwise appear on the ballot for that office.

Example:

For Governor (vote for one)

George Washington

Abraham Lincoln

John Adams

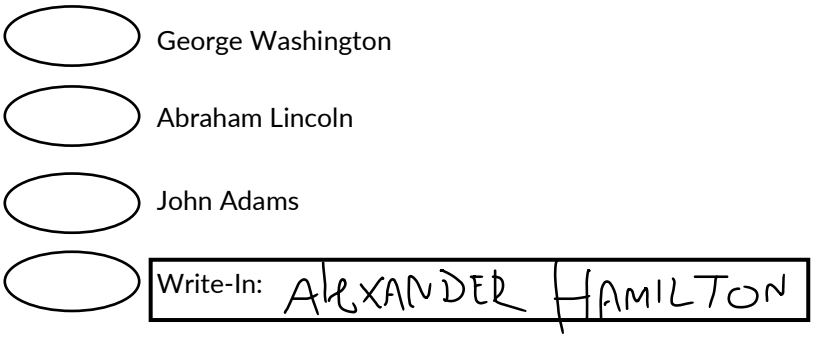
Write-In: ALEXANDER HAMILTON

Valid Vote for Alexander Hamilton

11. A vote shall be valid on a ballot on which a write-in vote does not contain a mark in the target area, but the written name of a candidate whose name does not otherwise appear on the ballot is provided.

Example:

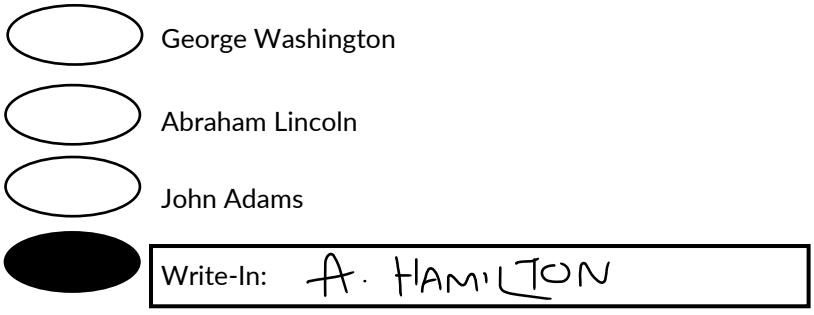
For Governor (vote for one)



Valid Vote for Alexander Hamilton

12. An abbreviation, misspelling, or other minor variation in the name of a declared write-in candidate shall be accepted as a valid vote if the voter's intent is clearly discernable.

For Governor (vote for one)

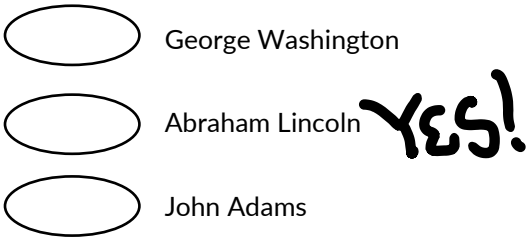


Valid Vote for Alexander Hamilton

13. A ballot on which the voter does not mark the voting response area but instead marks the ballot in a consistent manner, such as placing a consistent mark (other than a circle) on or around a candidate's name, shall be counted as a vote for that candidate or ballot response.

Example 1

For Governor (vote for one)



For Auditor (vote for one)

Dolly Parton Yes!

Reba McEntire

Loretta Lynn

Valid vote for Abraham Lincoln & Dolly Parton

Example 2

For Governor (vote for one)

George Washington

Abraham Lincoln ✓

John Adams

For Auditor (vote for one)

Dolly Parton ✓

Reba McEntire

Loretta Lynn

Valid vote for Abraham Lincoln & Dolly Parton

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election
Provisional Qualification Guidance

Purpose: In an effort to uniformly administer the 2022 General Election we provide the following guidance regarding provisional qualification in accordance with New Mexico State law and administrative code. This document is to provide county clerks with a consolidated document outlining the various areas of statute and rule that governs provisional balloting to ensure uniform handling of provisional ballots in accordance with the law.

Important Resources:

- New Mexico Election Code – Primarily Sections 1-12-7.1, 1-12-7.2, 1-12-8, 1-12-25.2, 1-12-25.3, and 1-12-25.4, and other sections notated in the table below
- 1.10.22 NMAC – Provisional Voting
- Provisional Roster Cover Sheet
- SERVIS – Provisional Ballots Cast Report

When are provisional ballots issued, and when should they be qualified?
The election code provides for the issuance of provisional ballots when a person's registration certificate cannot be found in the county register, the person's name does not appear on the signature roster, or when a person may have already voted. The qualification status of a provisional ballot cannot be determined until after the county clerk can conduct the appropriate research and make a determination; this process takes place ***after*** election day.

Specifically, the Election Code authorizes provisional ballots under the following circumstances:

SCENARIO	Should ballot count?	Authority	Comments
Voter Not on Signature Roster			
A voter registered online or by mail on or ***before*** the 28th day before the election and voted before the registration was processed.	Yes	1-4-8	Statutes related to the voter registration submission date – 1-4-5.1 (H) and 1-4-18.1 (G).
A voter registered online or by mail ***after*** the 28th day before the election and voted.	No	1-4-8	
SDR – If a voter desiring to update an existing registration certificate appears at an early voting or election day voting location that does not have real-time access to the statewide electronic voter file and casts a provisional ballot.	Yes (see comments).	1-4-5.7 (H)	During the General Election, political affiliation changes can be made using SDR.
A voter was registered but voted in the wrong precinct, in a county with "traditional" precincts.	Yes	1-3-4 (B)(7) 1-12-25.4	Only those races or ballot questions applicable to the voter's correct precinct will be counted.

SCENARIO	Should ballot count?	Authority	Comments
A voter is not registered in the county.	No	1-12-25.4	
A voter is registered but has used an abbreviated name, abbreviated address, middle name or initial, or suffix (Jr. Sr.).	Yes, if the clerk can identify the voter based on other information on the outer envelope.	1-12-29.1	
A voter is registered to vote in another county.	No	1-12-25.4 (C)	
A voter's registration has been properly canceled, or the voter is ineligible (felon).	No	1-12-25.4	
The voter registration was canceled in error.	Yes	1-12-25.4	
The voter has already voted by absentee.	No	1-12-25.4	
Real-time Synchronization Unavailable			
If the county clerk does not have real-time synchronization at an early or election day voting location, a voter shall receive a provisional ballot if: (1) the voter appears after the time the county clerk begins qualifying mailed ballots; and (2) the voter has executed the replacement ballot affidavit; and (3) the county clerk has voided the mailed ballot previously issued to the voter.	Yes, if the county clerk determines the voter did not vote any other ballot.	1-6-16 (D) & (E) 1-6-16.1 (A)	
Information is Missing on Provisional Envelope			
The voter did not sign the provisional outer envelope.	Yes, if the voter signed the signature roster.	1-12-25.3 1-12-25.4	
The voter did not print their name on the provisional outer envelope.	Yes, if the clerk otherwise has sufficient information to determine the voter is a qualified elector.	1-12-25.3	
The voter did not provide one of the following on the provisional outer envelope: address, date of birth, the reason for using the ballot, precinct, or polling place.	Yes, if the clerk otherwise has sufficient information to determine the voter is a qualified elector.	1-12-25.3	
The voter did not sign the Signature Roster.	Yes, if the voter signed the outer provisional envelope.	1-12-25.3 1-12-25.4	
Voter Did Not Provide Required ID			
The signature roster indicates that the voter is required to present a physical form of ID before voting, but the voter does not provide it at the polls at the time of voting.	Yes, if the required ID is produced no later than 5:00 PM on the second day after the election.	1-12-7.1 (F) 1-12-8 (B)	The voter has a two-day window after election day in which they can provide this info.
The absentee voter does not otherwise provide the required voter identification or physical form of ID.	Yes, if the required ID is produced no later than 5:00 PM on the second day after the election.	1-6-5.7 1-12-10	
Missing Information on Voter Registration			
The county clerk rejects a certificate of registration because the required information is not provided on the certificate, or the clerk cannot ascertain the qualified elector's social	Yes, if missing info or SSN is provided; otherwise, no.	1-4-11 (E)	The provisional ballot shall be counted once the required information is provided or the voter's

SCENARIO	Should ballot count?	Authority	Comments
security number, and the registration is marked as missing information.			social security number is ascertained.
Use of a Federal Write-In Ballot (FWAB)			
If an FQE registered voter submits an FWAB from an overseas address, it shall be processed by the canvassing board in the same manner as a provisional ballot. In a general election, when voting for a specified office, a qualified federal elector may complete the federal write-in absentee ballot by writing in the name of a political party, in which case the ballot shall be counted for the candidate of that political party.	Yes, if the registered voter did not vote on any other type of ballot. No, if the ballot was submitted from any location in the US.	1-6B-10	A qualified federal elector may use a federal write-in absentee ballot to vote for all offices and ballot questions in an election. In completing the federal write-in absentee ballot, the qualified federal elector may designate a candidate by writing the candidate's name.
Emergency Procedure for Voting			
After the close of the period for requesting a mailed ballot, any voter who is unable to go to the polls due to unforeseen illness or disability resulting in the voter's confinement in a hospital, sanatorium, nursing home, or residence may submit a written request for a provisional ballot.	Yes, if the county clerk determines the voter did not vote any other ballot.	1-6-16.2	Must complete the required written request with the signature of the voter and healthcare provider under penalty of perjury.

What procedures does a county clerk follow to qualify the provisional ballots?

The procedures for qualifying provisional ballots are outlined in 1.10.22.9 NMAC.

1. The provisional ballots shall be kept separate by each voting method – absentee, early, or election day – and by the name of the early or election day polling place. The provisional ballot envelopes shall not be opened until the county clerk has completed the qualification process.
2. A provisional ballot shall be qualified if the voter has provided all the information under Sections 1-12-25.3 and 1-12-25.4, NMSA 1978.
3. The provisional ballot qualification process shall be conducted by the county clerk as follows:
    A. Read aloud the name and address on the provisional ballot envelope;
    B. Determine, by use of the statewide voter file, the registration status, county of registration, and correct precinct of the provisional voter, or if the required physical form of identification is attached; and,
    C. Publicly announce whether the provisional ballot is qualified or disqualified and the reasons for that determination.
4. The determination of the provisional ballot disposition, along with the research done by the county clerk, shall be noted on the provisional ballot envelope by the county clerk to include the following:
    A. Notation of qualified or disqualified status;
    B. The voter's correct voting precinct, if registered;
    C. The voter's proper party designation, if registered;
    D. If the voter is registered in a different party than that of the issued ballot, a notation of "Different Party" shall be made;

E. If the voter is registered in a different county within the state, a notation of "Out of County" shall be made;
F. If the voter is not registered in the state, a notation of "Not Registered" shall be made;
G. If the voter's record shows that a ballot for the election has already been received, a notation of "Already Voted" shall be made;
H. If the voter's record shows it has been canceled in accordance with the Election Code, a notation of "Cancelled" along with the reason for cancellation shall be made; and,
I. When consolidated precincts are not used, the relevant districts in which the voter is registered shall be listed so that only the votes for those candidate contests or ballot questions for which the voter is eligible to vote shall be counted.

5. After the qualification process, the county clerk shall separate qualified provisional ballot envelopes from unqualified provisional ballot envelopes while keeping them arranged by voting method – absentee, early, or election day – and sorted by each early or election day polling place.
6. Unqualified provisional ballot envelopes shall not be opened and shall be deposited in an envelope, or ballot box marked "unqualified provisional ballots" and retained pursuant to the Election Code, Section 1-12-69 NMSA 1978.

How does the county clerk record the disposition of each provisional ballot?

1. Upon the closing of the polls, all provisional ballots shall be delivered to the county clerk, who shall determine the qualification status of each ballot in accordance with the Election Code.
2. County clerks are required to enter the disposition of every provisional ballot into SERVIS (i.e. adding the provisional transaction into the voter's record). This satisfies the provision in Section 1-12-25.4, where the county clerk shall maintain a provisional ballot register.
3. The county clerk shall also complete the "Provisional Roster Cover" sheet, which includes the total number of provisional ballots received, accepted, and rejected in each counting group (AB, EV, and ED).
4. The county clerk shall submit the "Provisional Ballots Cast" report from SERVIS, along with the "Provisional Roster Cover" to the SOS.

How are the votes of qualified provisional ballots added to the certificate of election/canvass?

The county clerk shall register the ballots into a tabulator machine programmed to accept provisional ballots or hand tally the provisional paper ballots which the county clerk has qualified and contain votes to be counted into SERVIS.

All qualified provisional ballots shall:

1. Be opened and attached to the inner envelope and ballot. For a provisional ballot, do NOT separate the outer envelope from the ballot at any time.
2. The county clerk shall follow tallying procedures by either inserting the qualifying ballots into machines programmed specifically for provisional ballot counting groups OR hand tally qualified ballots, in accordance with the hand tallying procedures, onto hand tally sheets that are separated by precinct and counting group (ED, EV, AB, or FWAB).
3. The county clerk shall enter the votes of the qualified provisional ballots into SERVIS by the voter's appropriate precinct and voting method. Relevant counting groups available in SERVIS are:
    A. Absentee Hand Votes
    B. Absentee FWAB
    C. Federal Overseas Hand Votes
    D. Absentee Provisional Hand Votes

E. Early Voting Hand Votes
F. Early Voting Provisional Hand Votes
G. Election Day Hand Votes
H. Election Day Provisional Hand Votes

4. After the votes have been counted, the naked ballot shall be reinserted into an envelope to protect the secrecy of the ballot, and the county clerk shall deposit the provisional ballots with attached outer and inner envelopes and any determination notes in an envelope or ballot box marked "counted provisional ballots."
5. The provisional ballots shall be retained pursuant to the Election Code, Section 1-12-69 NMSA 1978.
6. At no time shall the county clerk or canvassing board members disclose the votes of a provisional voter.

Note: The election board or county clerk should NEVER separate envelopes from the provisional ballots. In the event of a recount, the board must make a re-determination and need the ballot and envelope together to do this.

How are voters notified regarding the disposition of their provisional ballot?

1. County clerks will need to enter the disposition of all provisional ballots into SERVIS. This includes adding the "New Provisional Ballot" transaction in the voter's record (for both qualified and rejected ballots). If there is no voter record to update, the clerk will need to manually at a record (using the information on the outer envelope) and then add the "New Provisional Ballot" transaction.
2. After county clerks have entered the disposition of all provisional ballots into SERVIS, voters can look up the disposition of their provisional ballot using NMVote.org or by calling the county clerk or the SOS. Only the voters may be provided information on the disposition of their ballot.
3. If a ballot is rejected, the county clerk must also mail a notice of rejection to the person offering information on how to appeal. These notices are generated automatically in SERVIS for each ballot that is listed as rejected.

What if a voter requests an appeal?

The voter shall have until the Friday before the State Canvassing Board meeting to appeal to the county clerk a decision to reject the ballot.

The appeal process shall be conducted as follows:

1. The county clerk shall select a hearing officer(s) from staff or a person who is not affiliated with any candidate to be voted for at the election and knowledgeable of election law;
    A. The county clerk shall provide a disability-accessible room for the appeal hearing to be held;
2. The voter shall schedule an appointment time for an appeal by calling the county clerk's office and shall appear under oath and show by a preponderance of the evidence that the vote should be counted;
    A. The voter may appear with an advocate;
3. The appeal hearing shall be a public meeting,

A. The voter's date of birth and social security number shall not be stated out loud, and the public shall not be in the line of sight or view or make notes of the voter's personal information;
B. The county clerk and the public may make a brief public comment and offer relevant exhibits, but only the hearing officer shall be permitted to cross-examine the witness;
C. The rules of civil procedure shall not bind the hearing officer but may use them for guidance and shall make an immediate oral decision explaining the decision by citing a provision of the Election Code;
D. There is no statutory right of appeal; and
E. If the voter prevails, the hearing officer shall direct the county clerk to handle the ballot as a qualified provisional ballot. The clerk shall update the canvass in SERVIS and notify the SOS of the change.

What does Section 1-6-14(J) mean where it says that rejected absentee ballots shall be handled in the same manner as a disqualified provisional ballot?

This section does NOT mean that the rejected absentee ballot gets accounted for with the rejected provisional ballots. It simply requires that the same notice and protections are offered TO THE VOTER of a rejected absentee ballot as those offered to someone who votes provisionally and is rejected.

1. The absentee voter with a rejected ballot is to be notified by mail within ten days following the election if their ballot was rejected and the reason why it was rejected.
2. The voter has until the Friday before the State Canvassing Board meeting to schedule an appeal with the county clerk regarding the decision to reject the voter's ballot.
3. The appeal process explained above applies to any voter who would like to appeal.
4. If, after the appeal, the ballot is ultimately counted, the absentee ballot roster will be updated accordingly, and the votes shall be hand tallied and entered into SERVIS as an 'absentee hand tally ballot.'

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election
WRITE-IN CANDIDATE COUNTING GUIDANCE

In an effort to uniformly administer the 2022 General Election we provide the following guidance on determining voter intent for write-in votes.

Declared Write-In Candidates:

Races	Counties Covered	Candidate Filed at	Name of Write -in Candidate	Political Affiliation
UNITED STATES REPRESENTATIVE, DISTRICT 1	Bernalillo, Chaves, De Baca, Guadalupe, Lincoln, Otero, Sandoval, Santa Fe, Torrance, and Valencia	SOS	VICTORIA L GONZALES	DECLINED TO STATE
UNITED STATES REPRESENTATIVE, DISTRICT 2	Bernalillo, Catron, Chaves, Cibola, Doña Ana, Eddy, Grant, Hidalgo, Lea, Luna, McKinley, Otero, Sierra, Socorro, and Valencia	SOS	ELISEO LUNA	DEMOCRAT
COMMISSIONER OF PUBLIC LANDS	Statewide	SOS	LARRY E MARKER	DECLINED TO STATE
STATE REPRESENTATIVE, DISTRICT 8	Valencia	Valencia	PAUL MATTHEW KINZELMAN	DEMOCRAT
STATE REPRESENTATIVE, DISTRICT 34	Doña Ana	Doña Ana	MARK W VIETH	REPUBLICAN
COUNTY SHERIFF	Grant	Grant	MANUEL JOSEPH MALDONADO	DEMOCRAT
COUNTY COMMISSIONER	Luna	Luna	SUSAN R SCHIFFNER	REPUBLICAN
COUNTY COMMISSIONER	Mora	Mora	APRIL S BENTON	REPUBLICAN
COUNTY SHERIFF	Mora	Mora	TIMOTHY RAY MARQUEZ	DEMOCRAT
COUNTY COMMISSIONER	Rio Arriba	Rio Arriba	DALE T SALAZAR	DEMOCRAT

SOURCE: *https://candidateportal.servis.sos.state.nm.us/CandidateList.aspx?eid=2838&cty=99*

Statutory Resources:

Section 1-1-5.2 (C), NMSA 1978 Definition of a vote; write-in counting information.
Section 1-13-24 (A), NMSA 1978 Post-election duties; unopposed write-in candidates

Determining a Valid Vote:

For a paper ballot that is machine-tabulated or hand-tallied and that contains a write-in vote, the write-in vote shall be counted if the following are true:

1. The name of a declared write-in candidate for that office and position is on the proper line provided for a write-in vote, regardless of whether or not the oval is bubbled in/marked.

2. The candidates' name is written as:
    - First name, middle name, or initial and last name (ex: **Sarah J Smith or Sarah Jane Smith**).
    - One or two initials and last name (ex: **SJ Smith or S Smith**).
    - Last name alone (ex: **Smith**) if there is no other declared write-in candidate for the office or position that is the same or similar as to confuse the candidates' identities.
    - First and last name (ex: **Sarah Smith**).

3. When the presiding judge and election judges reviewing the write-in vote unanimously agree that the voter's intent is clearly discernable, an abbreviation, misspelling, or other minor variation in the form of the name of a declared write-in candidate shall be accepted as a valid vote (ex: **Sara Smyth)**; and

4. Does not include the imprinting of any name by stamp or similar method or device or the use of a stencil or a preprinted sticker or label. The name of the candidate must be handwritten.

Certification of Write-In Candidates:

In a general election, the proper canvassing board shall not certify the election of an unopposed write-in candidate unless the candidate receives at least the number of write-in votes equal to two percent of the total votes in the state, district, or county in which the candidate seeks election that were cast for governor in the last preceding general election in which a governor was elected, pursuant to 1-13-24 (A), NMSA 1978.

*** For the 2022 General Election, it is important to note that ALL write-in candidates on the ballot **do** have opposition, therefore this two percent threshold is not applicable. ***

Tips for County Clerks:

- Remind poll officials to remove all ballots from the tabulators and ensure that those containing write-in candidates are separated from those that do not.
    - Poll officials will need to check the write-in diverter bin on each tabulator, review all ballots and separate any that appear to contain a selection for a write-in candidate (i.e., oval is not bubbled in, but the voter wrote on the line provided).
    - All ballots should be delivered to your office on Election Night.
- Remind poll officials that it is not the responsibility of poll workers to communicate declared write-ins to voters at the polling location. In addition, poll officials shall NOT tally write-in votes at the polling location, this will be completed by the election board when the ballots are delivered to the clerks office on Election Night.
- Remember to enter write-in votes into SERVIS. Do not enter them into RTR as they will not transfer to SERVIS. County staff will be responsible for entering the qualified write-in votes directly into SERVIS.
- Please enter only the votes cast into the applicable counting group. If the ballots were cast through the tabulator, do not edit the ballots cast, as the ballot total has already been included with the tabulator results (MACHINE).
- Provide copies of the write-in tally sheets to SOS at nmclerks@sos.nm.gov to avoid delay in completing the state canvass.

Tips for the Election Board

- Use the specially designated write-in tally sheets.
- Sort the ballots by precinct and create ONE tally sheet for each precinct, per applicable counting group (Absentee, Early Voting, Election Day). The ballot precinct number is listed in the upper right corner of each ballot.
- Count the TOTAL number of ballots in each precinct and enter that total on the corresponding tally sheet for that precinct.
- Tally each vote that should be counted based upon the guidance above.
- Add up the tally of votes for the write-in candidate (after qualification) and record totals on the tally sheet.

INSTRUCTIONS TO ELECTION BOARD:

Working with one tabulator at a time, use the tabulator key to unlock the ballot bin on the tabulator and retrieve all ballots from within; do not comingle ballots from different tabulators. Ensure that the ballots retrieved from each tabulator are kept separate from the ballots retrieved from any other tabulator(s).

1. Check the diverter bin; set these ballots aside (these will need to be accounted for on the appropriate write-in tally sheet).

2. Retrieve the remaining ballots from the tabulator and remove any that appear to contain a write-in selection (i.e. the voter wrote on the line provided for write-ins, regardless of whether or not the oval is bubbled in/marked).
    - Set aside any ballots that appear to contain a write-in selection (these will need to be accounted for on the appropriate write-in tally sheet).
    - Place the remaining ballots into the appropriate ballot box for transport to the county clerk's office (i.e. ballots that do not appear to contain a write-in selection).

3. Sort the ballots that were set aside by PARTY and PRECINCT. **PLEASE NOTE: A separate write-in tally sheet must be used for each precinct/counting group.**
   Complete the BALLOT ACCOUNTING section for each PARTY. Fill in the Ballot accounting table with the total ballots retrieved from tabulator(s) that appear to contain write-in votes.

BALLOT ACCOUNTING

	A		B		C		TOTAL
Write-In Votes on **Ballots Retrieved from Tabulator(s):**	_____	+	_____	+	_____	=	

4. Complete the VOTE ACCOUNTING section by entering the QUALIFIED AND NOT QUALIFIED votes for each write-in candidate. These votes must total the total number of ballots for the Party/Precinct (in the "ballot accounting" section for each party).

BALLOT ACCOUNTING

	A		B		C		TOTAL
Write-In Votes on **Ballots Retrieved from Tabulator(s):**	4	+	1	+	0	=	5

United States Representative District 3 | DTS

JOHNNY JOHNSON

VOTE ACCOUNTING

The total of qualified and not qualified votes **MUST** equal the total number of Write-in Ballots for this precinct.

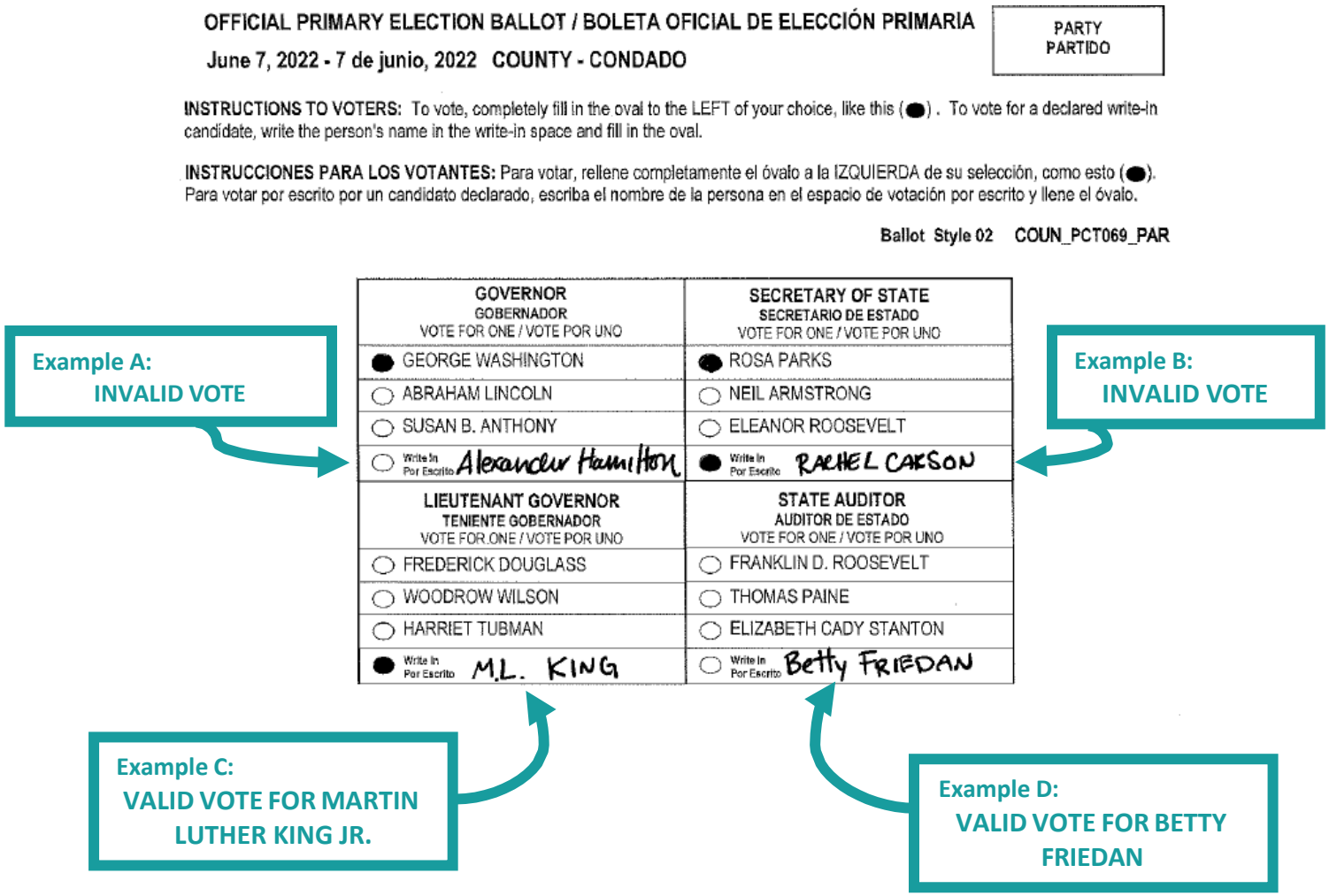
Total number of **QUALIFIED** Write-In VOTES for this candidate in this precinct: 3

Total number of **NOT QUALIFIED** Write-In VOTES for this candidate in this precinct: 2

Total number of both QUALIFIED and NOT QUALIFIED voted for this candidate at this precinct: 5

What is a valid Write-in Vote?

1. A properly cast write-in vote shall, in the space provided, contain the written name of a candidate whose name does not otherwise appear on the ballot for that office. It will not be counted with other bubbles filled in. (Example "A" below).
2. A ballot on which the voter casts a vote on the ballot and properly writes in a different candidate in the write-in area shall be considered an overvote for that office if the number of chosen candidates exceeds the number permitted to be voted for in that office and no vote shall be counted. (Example "B" below).
3. An abbreviation, misspelling, or other minor variation in the form of the name of a declared write-in candidate shall be accepted as a valid vote if the voter's intent is clearly discernable. (Example "C" below).
4. A vote shall be valid on a ballot on which a write-in vote does not contain a mark in the target area, but the written name of a candidate whose name does not otherwise appear on the ballot is provided. (Example "D" below)



OFFICIAL PRIMARY ELECTION BALLOT / BOLETA OFICIAL DE ELECCIÓN PRIMARIA

June 7, 2022 - 7 de junio, 2022 COUNTY - CONDADO

PARTY / PARTIDO

INSTRUCTIONS TO VOTERS: To vote, completely fill in the oval to the LEFT of your choice, like this (●). To vote for a declared write-in candidate, write the person's name in the write-in space and fill in the oval.

INSTRUCCIONES PARA LOS VOTANTES: Para votar, rellene completamente el óvalo a la IZQUIERDA de su selección, como esto (●). Para votar por escrito por un candidato declarado, escriba el nombre de la persona en el espacio de votación por escrito y llene el óvalo.

Ballot Style 02 COUN_PCT069_PAR

GOVERNOR GOBERNADOR VOTE FOR ONE / VOTE POR UNO	SECRETARY OF STATE SECRETARIO DE ESTADO VOTE FOR ONE / VOTE POR UNO
● GEORGE WASHINGTON	● ROSA PARKS
○ ABRAHAM LINCOLN	○ NEIL ARMSTRONG
○ SUSAN B. ANTHONY	○ ELEANOR ROOSEVELT
○ Write In / Por Escrito Alexander Hamilton	● Write In / Por Escrito RACHEL CARSON
LIEUTENANT GOVERNOR TENIENTE GOBERNADOR VOTE FOR ONE / VOTE POR UNO	**STATE AUDITOR AUDITOR DE ESTADO VOTE FOR ONE / VOTE POR UNO**
○ FREDERICK DOUGLASS	○ FRANKLIN D. ROOSEVELT
○ WOODROW WILSON	○ THOMAS PAINE
○ HARRIET TUBMAN	○ ELIZABETH CADY STANTON
● Write In / Por Escrito M.L. KING	○ Write In / Por Escrito Betty FRIEDAN

Example A:
INVALID VOTE

Example B:
INVALID VOTE

Example C:
VALID VOTE FOR MARTIN LUTHER KING JR.

Example D:
VALID VOTE FOR BETTY FRIEDAN

The New Mexico Secretary of State's

2022 GENERAL ELECTION VOTER GUIDE

Proposed Constitutional Amendments, General Obligation Bonds & General Information About Voting in New Mexico

Early Voting begins Oct. 11, 2022
Election Day is Nov. 8, 2022
www.NMVOTE.org

Table of Contents

General Information	4
Proposed: Constitutional Amendment 1	6
Purpose	7
Arguments For	8
Arguments Against	10
Full Text of Legislation	13
Proposed: Constitutional Amendment 2	17
Purpose	17
Arguments For	18
Arguments Against	20
Full Text of Legislation	22
Proposed: Constitutional Amendment 3	26
Purpose	26
Arguments For	27
Arguments Against	29
Full Text of Legislation	31
Proposed: General Obligation Bonds	34
Explanation of GO Bonds and Taxes	36
Purpose	37
Fiscal Implications	43
Additional Resources	44

General Information

In the 2021 and 2022 legislative sessions, the New Mexico Legislature passed three joint resolutions proposing amendments to the state constitution. The proposed amendments will appear on the November 8, 2022, election ballot.

The Constitution of New Mexico provides that the legislature, by a majority vote of all members elected to each house, may propose amendments revising the constitution, and that proposed amendments must then be submitted to the voters of the state for approval. A proposed amendment becomes part of the state's constitution if a majority of the votes cast in an election on the proposition are cast in its favor unless the proposed amendment affects one of the sections in the constitution for which a three-fourths' majority is required. (This year's proposed constitutional amendments do not affect any of those sections and so require only a simple majority vote to be approved.) Proposed constitutional amendments become effective upon approval by the voters unless an effective date is provided within the text of the proposed amendment.

For the proposed amendments that will appear on the November 8, 2022, ballot, this guide contains the text of the joint resolutions proposing the amendments along with statements of purpose for the amendments. Arguments for and against the amendments, as well as additional analysis, are available at the websites provided.

The legislature also passed a bill proposing three general obligation (GO) bonds. These proposed bonds must also be submitted to the voters of the state for approval. General obligation bonds are a type of bond secured by the state's use of legally available resources. The text of each ballot question is included here, along with a statement of the bond's function and fiscal impact. Arguments for and against the proposed bonds, along with additional analysis, are available at the websites provided.

Disclaimer

The Secretary of State's office is including the text of each proposed statewide ballot question to appear on the ballot in the 2022 General Election. A brief statement of purpose or function has also been provided for each question. Additional links and references are included for the voter to review full bill language, or to obtain additional information on the issues. The analysis presented in this guide was developed by a variety of sources and does not necessarily reflect the views of the Secretary of State's office. Instead, this guide attempts to provide voters with various resources to review the amendments and arrive at their own conclusions.

Proposed: Constitutional Amendments

The following constitutional amendments questions will appear on all ballots for the General Election on November 8, 2022:

Constitutional Amendment 1

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT SCHOOL FUND FOR ENHANCED INSTRUCTION FOR STUDENTS AT RISK OF FAILURE, EXTENDING THE SCHOOL YEAR, TEACHER COMPENSATION AND EARLY CHILDHOOD EDUCATION; REQUIRING CONGRESSIONAL APPROVAL FOR DISTRIBUTIONS FOR EARLY CHILDHOOD EDUCATION.

For: _____ Against: _____

Purpose

Constitutional Amendment 1 proposes to amend Article 12, Section 7 of the Constitution of New Mexico to provide additional distributions from the land grant permanent funds. These additional distributions would be in an amount of 1.25% of the average of the year-end market value of the Permanent School Fund for the immediately preceding five calendar years. Forty percent of the additional 1.25% distribution would be distributed to public schools for enhanced instruction for at-risk students, extending the school year and teacher compensation, and 60% of the additional 1.25% distribution would be to provide early childhood education, which is defined as nonsectarian and nondenominational education for children until they are eligible for kindergarten. Constitutional Amendment 1 would permit the legislature to suspend these additional distributions by a three-fifths' vote and would automatically suspend the additional distribution if the five-year average market values of the land grant permanent funds fall below $17 billion. If Constitutional Amendment 1 is approved by the voters, it would still require congressional approval prior to taking effect.

Arguments For

1. Would provide additional and needed funding for public schools and early childhood education.

With the proposed additional distribution from the Land Grant Permanent Fund in this constitutional amendment, public education and early childhood education programs will receive an increase in educational funding statewide from that fund. According to Legislative Finance Committee estimates, which are dependent on projected investment returns, the 1.25% distribution increase in the constitutional amendment could result in the distribution of an additional $211.5 million in funding for education in fiscal year 2023. This would deliver approximately $126.9 million for early childhood education and $84.6 million for public education. The projected additional funding for early childhood education may help close the funding gap that the Early Childhood Education and Care Department presented in its recent finance plans, which estimated that an additional $505 million was needed by fiscal year 2026 to provide New Mexico with universal access to early childhood services. Additionally, the funding for public education would be used for enhanced instruction for students at risk of failure, extension of the school year and public-school teacher compensation.

2. Early childhood educational programming provides a significant benefit in student outcomes.

According to a 2020 report by the Legislative Finance Committee, pre-kindergarten programs are among the most effective education reform measures for improving student outcomes.[1] Low student achievement at an elementary level can lead to serious implications for future educational outcomes. Participation in pre-kindergarten led to higher high school graduation rates, and pre-kindergarten participation for students with special needs also led to improved outcomes. The Legislative Finance Committee, through its report, saw an

increase in graduation rates for English language learners and low-income participants, a reduction in grade retention and a reduction in chronic absenteeism. Additionally, participation in pre-kindergarten programs correlated to higher test scores throughout students' academic careers.

3. Increased student outcomes provide direct benefits to taxpayers and the state.

Providing more high-quality early childhood education programs has not only been proven to have a greater impact on students' educational outcomes, but it also provides a significant return on investment. The benefit to taxpayers for pre-kindergarten programs is estimated at over $16,000 per student.[2] These benefits are a result of those students on average earning higher lifetime wages and paying higher taxes, as well as savings resulting from lower crime and social program spending. Increased spending on early childhood education and public schools, as provided by this constitutional amendment, may further capitalize on this return on investment.

---

[1] **Legislative Finance Committee Prekindergarten Quality and Educational Outcomes report; https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/Prekindergarten%20Quality%20and%20Educational%20Outcomes.pdf.**

[2] *Id.*

Arguments Against

1. Other funding is available to accomplish the stated goal of the proposed constitutional amendment.

Funding provided by a new distribution provided in this proposed constitutional amendment may not be necessary to sufficiently fund early childhood programs. In 2020, as an alternative to a similar proposal as this constitutional amendment, the state created a new trust fund, the Early Childhood Education and Care Fund. The law provides that the fund distributes at least $30 million for early childhood education and care services and programs every year. The Legislative Finance Committee projects that distributions from the fund for early childhood education and services will reach $68.25 million in fiscal year 2024, $127.97 million in fiscal year 2025 and $173 million in fiscal year 2026, providing nearly three-fourths of the $505 million the Early Childhood Education and Care Department estimates is needed by fiscal year 2026 to provide New Mexico with universal access to early childhood services. It is estimated that the proposal in the joint resolution will provide $134.31 million in fiscal year 2024 and $141.3 million in fiscal year 2025. Rather than risk the corpus of the Land Grant Permanent Fund and a possibly significant reduction in future distributions to existing beneficiaries, it may be more appropriate to rely on this existing resource to fund early childhood programs and to allow the continued growth of the hundreds of millions of dollars in benefits the Land Grant Permanent Fund already delivers to New Mexico schools every year.

2. The amendment will eventually cause diminishing distributions due to a smaller fund corpus.

As a trust fund, the Land Grant Permanent Fund is invested to ensure sustainable growth over time. A larger fund equates to a larger distribution since the distributions from the fund are based on a percentage of the overall size of the fund. If more money is

distributed from the fund now, then less money will be available to invest, and the fund will grow at a lower rate over time. The outcome is that, while more money will be distributed from the fund, eventually the distribution based on a larger percentage from a slower-growing fund will be lower than if the current distribution rates are maintained. This point in time is often referred to as the "tipping point" and is estimated to occur at some point in the 2040s.[3] The timeline for this tipping point is dependent on investment returns over time; however, it will eventually occur, and when it does, the diminished distribution will exist for the life of the fund.

3. Congressional approval is required, and further legislative changes are likely necessary.

If this constitutional amendment were to be approved by voters, approval from the United States Congress is required prior to the changes taking effect. The Land Grant Permanent Fund was created when the State of New Mexico was established and is subject to the federal Enabling Act of 1910. This federal act requires that if the distributions to beneficiaries of the fund are changed, prior congressional approval is required. Further, the changes made in this constitutional amendment will likely require action by the New Mexico Legislature. Forty percent of the increased distribution is provided to the public-school permanent fund beneficiary. This flow of funding already exists and provides a funding source for public schools. However, 60% of the new distribution is to be provided for the provision of early childhood education. It is statutorily unclear how this money would be used and what state department, agency or entity would receive this distribution. As noted by the staff of the Legislative Education Study Committee, public schools are the primary beneficiaries of the Permanent School Fund, but most of these schools do not provide early childhood services. The State Investment Council has also noted that while public schools may be able to provide some early education programs, more than one-half of the beneficiaries either are not educational facilities

or do not have a mission related to early childhood education. Moreover, it may be unlawful to use money from a new distribution from the Permanent School Fund for many of the early childhood services that are currently provided by private entities through contracts with the state. According to the attorney general, funds from the Land Grant Permanent Fund are prohibited from being used for private schools or programs, including through contracts with a state agency, which the attorney general states "would simply be an artificial attempt to circumvent the prohibitions of the [Enabling] Act and state constitution".[4]

4. May not actually increase funding for public education or early childhood education.

This constitutional amendment will increase funding from the Land Grant Permanent Fund to be used for public education and early childhood education, at least in the short term. However, public education and early childhood education receive significant portions of their budgets from other sources, including other existing funds in state law and also General Fund appropriations that are made annually. This constitutional amendment does not ensure additional funding for at-risk students, additional school days, teacher compensation or early childhood education because nothing prevents the legislature from reducing the money it now provides for those purposes with appropriations for other purposes. This means that the state could lower distributions and appropriations from other funding sources for use elsewhere. While the potential freeing up of this funding for other uses could be framed as a benefit, the often-stated purpose of the constitutional amendment to increase funding for public education and early childhood education is not an inevitable outcome.

---

[3]**Legislative Finance Committee Fiscal Impact Report for HJR 1 (2021); https://www.nmlegis.gov/Sessions/21%20Regular/firs/HJR01.PDF**

[4]2012 Op. Att'y Gen. No. 12-03;
https://nmonesource.com/nmos/ag/en/item/5937/index.do

Source:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Full Text of Legislation

Note:
Underscored material = new language proposed for insertion
[Bracketed material] = existing language proposed for deletion

HOUSE JOINT RESOLUTION 1 – Proposing Constitutional Amendment 1

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT SCHOOL FUND FOR ENHANCED INSTRUCTION FOR STUDENTS AT RISK OF FAILURE, EXTENDING THE SCHOOL YEAR, TEACHER COMPENSATION AND EARLY CHILDHOOD EDUCATION; REQUIRING CONGRESSIONAL APPROVAL FOR DISTRIBUTIONS FOR EARLY CHILDHOOD EDUCATION.

SECTION 1. It is proposed to amend Article 12, Section 7 of the constitution of New Mexico to read:

"A. As used in this section, "[~~fund~~] land grant permanent funds" means the permanent school fund described in Article 12, Section 2 of this constitution and all other permanent funds derived from lands granted or confirmed to the state by the act of congress of June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and state government and be admitted into the union on an equal footing with the original states.".

B. The [~~fund~~] land grant permanent funds shall be invested by the state investment officer in accordance with policy [regulations] rules promulgated by the state investment council.

C. In making investments, the state investment officer, under the supervision of the state investment council, shall invest and manage the [~~fund~~] land grant permanent funds in accordance with the Uniform Prudent Investor Act.

D. The legislature may establish criteria for investing the [~~fund~~] land grant permanent funds if the criteria are enacted by a three-fourths' vote of the members elected to each house, but investment of the [fund] land grant permanent funds is subject to the following restrictions:

(1) not more than sixty-five percent of the book value of the [~~fund~~] land grant permanent funds shall be invested at any given time in corporate stocks;

(2) not more than ten percent of the voting stock of a corporation shall be held; and

(3) stocks eligible for purchase shall be restricted to those stocks of businesses listed upon a national stock exchange or included in a nationally recognized list of stocks.

E. All additions to the [~~fund~~] land grant permanent funds and all earnings, including interest, dividends and capital gains from investment of the [~~fund~~] land grant permanent funds shall be credited to the [~~fund~~] land grant permanent funds.

F. [~~Except as provided in Subsection G of this section~~] The annual distributions from the [~~fund~~] land grant permanent funds to the beneficiaries specified in the Ferguson Act and the Enabling Act shall be five percent of the average of the year-end market values of the [~~fund~~] land grant permanent funds for the immediately preceding five calendar years.

G. In addition to the annual [~~distribution~~] distributions made pursuant to Subsection F of this section, unless suspended pursuant to Subsection [~~H~~] J of this section, an [~~additional~~] annual distribution of one and one-fourth percent of the average of the year-end market value of the permanent school fund for the immediately preceding five calendar years shall be made [~~pursuant to the following schedule~~] as provided in Subsection H of this section; provided that [~~no~~] the additional distribution shall not be made [~~pursuant to the provisions of this subsection~~] in any fiscal year if the average of the year-end market values of the [~~fund~~] land grant permanent funds for the immediately preceding five calendar years is less than [~~ten billion dollars ($10,000,000,000)~~] seventeen billion dollars ($17,000,000,000).

~~[(1) in fiscal years 2005 through 2012, an amount equal to eight-tenths percent of the average of the year-end market values of the fund for the immediately preceding five calendar years; provided that any additional distribution from the permanent school fund pursuant to this paragraph shall be used to implement and maintain educational reforms as provided by law; and~~

~~(2) in fiscal years 2013 through 2016, an amount equal to one-half percent of the average of the year-end market values of the fund for the immediately preceding five calendar years; provided that any additional distribution from the permanent school fund pursuant to this paragraph shall be used to implement and maintain educational reforms as provided by law~~]

H. Unless suspended pursuant to Subsection G or J of this section, the additional distribution from the permanent school fund provided for in Subsection G of this section shall be as follows and as provided by law:

(1) forty percent of the additional distribution shall be for the public school permanent fund beneficiary

for enhanced instruction for students at risk of failure, extending the school year and public school teacher compensation; and

(2) sixty percent of the additional distribution shall be for the provision of early childhood education.

I. As used in this section, "early childhood education" means nonsectarian and nondenominational education for children until they are eligible for kindergarten.

[~~H.~~] J. The legislature, by a three-fifths' vote of the members elected to each house, may suspend any additional distribution provided for in Subsection G of this section."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

SECTION 3. The distribution provided for in Paragraph (2) of Subsection H of Section 7 of Article 12 of the constitution of New Mexico shall not become effective without the consent of congress.

Constitutional Amendment 2

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER SIMILAR SERVICES AS PROVIDED BY LAW, UPON THE ENACTMENT OF GENERAL IMPLEMENTING LEGISLATION BY A MAJORITY VOTE OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE.

For: _____ Against: _____

Purpose

Constitutional Amendment 2 would amend Article 9, Section 14 (commonly referred to as the "anti-donation clause") of the Constitution of New Mexico to allow the legislature to enact statutes that authorize the state to spend money to assist in the construction of utility lines or other infrastructure for energy, internet, water, wastewater and similar services for primarily residential purposes. If enacted, these statutes would be required to include provisions to safeguard public money and resources used for the utility line projects. Any provisions specifying the criteria, limitations or scope for such projects would be left to the implementing legislation.

Arguments For

1. The amendment would increase access to essential utility services.

Broadband internet, energy, water and wastewater services are essential utility services in today's world, and some communities in New Mexico still lack these basic services. The private sector on its own has been unwilling or unable to invest in utility service line build-outs in many, particularly rural, communities. Unless the current constitutional prohibition on the use of public funding is lifted to allow the state to address this problem, it may never be solved by the private sector. The proposed amendment would not only authorize direct state investment to ensure access to essential utility services by all New Mexicans but would also allow for the possibility of the creation of public-private partnerships to provide access for these services.

2. May assist the state with leveraging federal funding.

The current anti-donation prohibition limits New Mexico's ability to compete with other states regarding rural development and to access federal funding for such development projects. As an example, the communities connected to Interstate 395 along the eastern side of the Sierra Nevada mountain range in California face very similar geologic and population density challenges as many of New Mexico's mountainous areas. However, California was able to implement a program called "Digital 395" that used state dollars to leverage a federal assistance program created in 2009 for private, nonprofit internet providers to develop internet infrastructure connecting those communities. Because of anti-donation clause prohibitions, New Mexico was not able to implement a similar program to leverage the 2009 federal broadband money. The proposed amendment may give New Mexico the best chance to leverage its share of federal dollars to achieve the broadest access to internet service throughout the

state and to access federal funding for the provision of other essential household services.

3. May assist with ensuring that all New Mexicans have access to the internet.

Adoption of the proposed amendment could be particularly helpful with regard to building high-speed broadband internet infrastructure throughout the state. Now more than ever, access to high-speed internet is essential for distance learning, telemedicine and remote work. However, the Department of Information Technology, in its *State of New Mexico Broadband Strategic Plan and Rural Broadband Assessment* published in June 2020, reported that "a conservative analysis of State, ISP, and federal data identifies an estimated 196,000 locations in New Mexico that are unserved by broadband, or 20 percent of the State's approximately 940,000 homes and businesses". This means that one-fifth of the state's residents are unable to continue with their studies through remote learning, to work remotely or to access needed health care, not to mention accessing myriad other public and private resources found online. The proposed amendment would allow the state to invest in the broadband infrastructure that is needed for the full participation of all of New Mexico's residents in the modern world.

4. The contours of the implementing legislation would be vetted through the public legislative process.

Unlike a blanket "public benefit" exception that some states have applied to their anti-donation exemptions, adoption of the proposed amendment would be just the first step in a lengthy process to allow the use of public funds to provide access to essential household services. Similar to the exceptions that created the Local Economic Development Act and mortgage finance programs, both chambers of the legislature would need to pass implementing legislation for a utility assistance program to take effect. The proposed amendment also requires the

implementing legislation to "include safeguards to protect public money and other public resources used for the purposes authorized", and a considerable amount of deliberation will go into developing them. Before the implementing legislation reaches the floor of each house, it will go through the committee process, where it will be debated by the members after ample opportunity for public comment and be subject to amendment throughout the process.

Arguments Against

1. The proposed amendment lacks clarity and leaves too much discretion for future legislatures in enacting the implementing legislation.

The proposed amendment lacks clarity and leaves the details of the exception to implementing legislation enacted by a future legislature. For example, it is not clear from the text of the amendment exactly what projects state funds will be allowed to be used for, as those specifics will be laid out in the implementing legislation. Further, while the proposed amendment specifically enumerates internet, energy, water and wastewater as essential services, it also includes "other similar services as provided by law". This broad provision will be subject to wide interpretation by the legislature enacting the implementing legislation or its execution. This language leaves the door open for the provision of public assistance to private entities for services not contemplated in the adoption of the amendment and could be changed based on the political winds of future legislatures.

2. Public money may not be adequately safeguarded.

The anti-donation prohibition serves a valuable purpose, and any proposed exception should be viewed with caution. The purpose of an anti-donation clause is to ensure that taxpayer money is not being used to support or subsidize private gains without the state

receiving something of value in exchange for the transfer of money or property. However, this proposed amendment does not specify how the implementing legislation is to "safeguard public money" nor is there inclusion of a spending cap, so the actual fiscal implications for the state are unknown and could be far reaching. This lack of direction on specific requirements to safeguard public money could result in the legislature enacting implementing legislation that allows the use of state funds to provide a greater benefit to contractors and other businesses providing essential services rather than to the state residents who are in need of those services. Such effect would be contrary to the purpose of the anti-donation clause.

3. The growing exceptions to the anti-donation clause are swallowing the rule.

New Mexico's anti-donation clause is being whittled away. Since 1971, it has been amended six times to create exceptions, including carveouts to allow public funds to be used for the care and maintenance of sick and indigent persons; to stimulate job creation; to provide scholarship programs for certain veterans; to provide scholarship programs for aspiring health care providers; and to support the development of affordable housing. The growing number of exceptions are swallowing up the rule that prohibits state aid to private entities. Carving out more and more exceptions creates confusion regarding what is allowed and what is prohibited, and it begs the question of whether even more exceptions should be carved out or if it is time to get rid of the anti-donation clause in its entirety.

Source:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Note:
***Underscored Material** = new language proposed for insertion*
[Bracketed material] = existing language proposed for deletion

Full Text of Legislation

HOUSE JOINT RESOLUTION 1 - Proposed Constitutional Amendment 2

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER SIMILAR SERVICES AS PROVIDED BY LAW, UPON THE ENACTMENT OF GENERAL IMPLEMENTING LEGISLATION BY A MAJORITY VOTE OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. It is proposed to amend Article 9, Section 14 of the constitution of New Mexico to read:

"Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through [~~G~~] H of this section.

A. Nothing in this section prohibits the state or any county or municipality from making provision for the care and maintenance of sick and indigent persons.

B. Nothing in this section prohibits the state from establishing a veterans' scholarship program for Vietnam conflict veterans who are post-secondary students at educational institutions under the exclusive control of the state by exempting such veterans from the payment of tuition. For the purposes of

this subsection, a "Vietnam conflict veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces from New Mexico or who has lived in New Mexico for ten years or more and who has been awarded a Vietnam campaign medal for service in the armed forces of this country in Vietnam during the period from August 5, 1964 to the official termination date of the Vietnam conflict as designated by executive order of the president of the United States.

C. The state may establish by law a program of loans to students of the healing arts, as defined by law, for residents of the state who, in return for the payment of educational expenses, contract with the state to practice their profession for a period of years after graduation within areas of the state designated by law.

D. Nothing in this section prohibits the state or a county or municipality from creating new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses if this assistance is granted pursuant to general implementing legislation that is approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall include adequate safeguards to protect public money or other resources used for the purposes authorized in this subsection. The implementing legislation shall further provide that:

(1) each specific county or municipal project providing assistance pursuant to this subsection need not be approved by the legislature but shall be approved by the county or municipality pursuant to procedures provided in the implementing legislation; and

(2) each specific state project providing assistance pursuant to this subsection shall be approved by law.

E. Nothing in this section prohibits the state, or the instrumentality of the state designated by the legislature as the state's housing authority, or a county or a municipality from:

(1) donating or otherwise providing or paying a portion of the costs of land for the construction on it of affordable housing;

(2) donating or otherwise providing or paying a portion of the costs of construction or renovation of affordable housing or the costs of conversion or renovation of buildings into affordable housing; or

(3) providing or paying the costs of financing or infrastructure necessary to support affordable housing projects.

F. The provisions of Subsection E of this section are not self-executing. Before the described assistance may be provided, enabling legislation shall be enacted by a majority vote of the members elected to each house of the legislature. This enabling legislation shall:

(1) define "affordable housing";

(2) establish eligibility criteria for the recipients of land, buildings and infrastructure;

(3) contain provisions to ensure the successful completion of affordable housing projects supported by assistance authorized pursuant to Subsection E of this section;

(4) require a county or municipality providing assistance pursuant to Subsection E of this section to give prior formal approval by ordinance for a specific affordable housing assistance grant and include in the ordinance the conditions of the grant;

(5) require prior approval by law of an affordable housing assistance grant by the state; and

(6) require the governing body of the instrumentality of the state, designated by the

legislature as the state's housing authority, to give prior approval, by resolution, for affordable housing grants that are to be given by the instrumentality.

G. Nothing in this section prohibits the state from establishing a veterans' scholarship program, for military war veterans who are post-secondary students at educational institutions under the exclusive control of the state and who have exhausted all educational benefits offered by the United States department of defense or the United States department of veterans' affairs, by exempting such veterans from the payment of tuition. For the purposes of this subsection, a "military war veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces or who has lived in New Mexico for ten years or more and who has been awarded a southwest Asia service medal, global war on terror service medal, Iraq campaign medal, Afghanistan campaign medal or any other medal issued for service in the armed forces of this country in support of any United States military campaign or armed conflict as defined by congress or by presidential executive order or any other campaign medal issued for service after August 1, 1990 in the armed forces of the United States during periods of armed conflict as defined by congress or by executive order.

H. Nothing in this section prohibits the state from expending state funds or resources for the purpose of providing essential services primarily for residential purposes if the assistance is granted pursuant to general implementing legislation approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall provide for accessibility to essential services primarily for residential purposes and include safeguards to protect public money and other public resources used for the purposes authorized in this subsection. As used in this subsection,

"essential services" means infrastructure that allows internet, energy, water, wastewater or other similar services as provided by law."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

Constitutional Amendment 3

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT AN APPOINTED JUDGE SERVE AT LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE OFFICE TO WHICH THE JUDGE WAS APPOINTED.

For: _____ Against: _____

Purpose

Constitutional Amendment 3 proposes one substantive change and several technical changes to Article 6, Section 35 of the Constitution of New Mexico. Substantively, Constitutional Amendment 3 proposes to delay the general election for a seat to which a judge is appointed until after that judge has served on the court for one year following appointment by the governor. Technically, this constitutional amendment proposes to use gender-neutral language in Article 6, Section 35, i.e., changing "his application" to "the application" and "chairman" to "chair", and it also replaces the term "committee" with "commission" in several instances for consistency.

Arguments For

1. Allows the public to evaluate an appointed candidate on the merits prior to election.

Across New Mexico, the public has expressed a desire for increasing transparency in government. Constitutional Amendment 3 provides a different transparency — that of the ability to evaluate a candidate for a judicial position prior to electing a candidate. Voters can face difficulties being informed about candidates and relevant information. If the proposed amendment is adopted, candidates appointed to fill a judicial seat will have at least one year to serve on the bench before they face a general election. Appointed candidates who do not otherwise have judicial experience will not only have time to hone their judicial skills, but the public will be better able to observe their conduct as a judge. Armed with the record of performance, voters will be able to make a more educated decision on whether to vote for or against the appointee at the general election. Ideally, this will result in a public that has more knowledge of candidates who were appointed by the time those candidates face election.

2. Enables greater access by judicial candidates to public financing.

Judicial candidates are authorized to access public financing for elections pursuant to the Voter Action Act. When a judicial appointee must run for the office in a partisan election shortly after being appointed, the timelines for complying with the Voter Action Act are compressed, and, depending on the time between the appointment and the election, the appointee may not be able to meet the deadlines to qualify for the public financing. A purpose of including judicial candidates in the Voter Action Act is to take the influence of big money out of judicial elections, ensuring an independent judiciary. However, this purpose is nullified when appointed judges are unable to qualify for the

public financing because deadlines cannot be met due to the timing of the appointment and election. Requiring the election to be held at least one year after appointment provides ample time for an appointed judge to meet the deadlines of the Voter Action Act and qualify for the available public financing.

3. Helps with recruitment and diversity for judgeships.
Allowing an appointed judge to serve in the position for at least one year before having to run for the position in a partisan election will help with the recruitment of qualified, diverse applicants to the judgeship. Under the current language of Article 6, Section 35, the position will be subject to election at the next general election, which may only be a couple of months after appointment. Many people are unwilling to accept an appointment to a judgeship if they have to, for example, close down a private practice and wind-up relationships with clients without some assurance of being in the position for the long term. Approval of this proposed amendment would guarantee the appointee at least one year in the position before having to run for the office. This may be particularly beneficial to attorneys who work in private practice who otherwise may not choose to seek judicial positions, as these attorneys may be solo practitioners and might find it difficult to justify seeking appointment if they may serve for a short time.

Arguments Against

1. Delaying the election may have unintended consequences.
There could be unintended consequences if an election to fill the vacancy does not take place until the first general election following one year after appointment. For example, depending on when a vacancy is created and when the appointment to fill the vacancy is made, the appointee could serve up to three years in the position before the general election is held. Alternatively, because the person who wins the election serves out the remainder of the term that is in effect at the time of the election, if that term were to expire in December of the same year in which the election takes place, a scenario could be created in which the person who wins the election only serves a few weeks before the term ends at the end of the year, creating a new vacancy in the office that then would need to be filled by the governor. Additionally, a person running against an appointed judge in the general election may be disadvantaged by the appointee having more experience in the position before the election. The appointed judge may have greater name recognition, a record of performance known to the electorate and the benefit of being the incumbent by virtue of having been appointed to fill the vacancy in the position, which ordinarily would not be present in a partisan judicial race.

2. Unclear if the new language applies to judges other than appellate judges.
Article 6, Section 35 of the Constitution of New Mexico creates the Appellate Judges Nominating Commission, while Article 6, Section 36 and Article 6, Section 37 create the District Court Judges Nominating Committee and the Metropolitan Court Judges Nominating Committee, respectively. Both Section 36 and Section 37 state that "each and every provision of Section 35 of Article 6 of this constitution shall apply" to the respective nominating committee; however, it is not clear that the proposed

amendatory language to Section 35, providing that a judge serve at least one year before a general election is held for the office to which the judge was appointed, equally applies to district court judges and metropolitan court judges. This is because the proposed amendatory language to Section 35 is not directly related to the duties of the respective nominating committees, but rather to when an election takes place after an appointment to fill a vacancy is made. This ambiguity could lead to litigation over the application of the amendatory language to district court and metropolitan court judges.

3. Removes an inherently political decision from the political process for a longer period than the Constitution of New Mexico currently provides.

A potential issue in this proposed amendment is its policy goal of reducing the partisan nature of an inherently partisan, political process, while potentially increasing partisan division. Article 6, Section 35 of the Constitution of New Mexico requires diversity of "majority political parties" and the interests of the state with regard to those members of the Appellate Judges Nominating Commission who recommend appointments. Additionally, Article 6, Section 35 provides that the Appellate Judges Nominating Commission recommends candidates for appointment to the governor, but the governor ultimately appoints a successor in the event of a vacancy. Judicial candidates appointed by the governor face reelection at the next election. Thus, implied in Section 35 is a process that is political in nature, one that is reliant on partisanship, the decision of a governor, usually representing a major political party, and ultimately, the voice of the electorate. However, this amendment would require the public to refrain from participating in the political process for a year, at a minimum, prior to that appointed candidate facing the elective process. It is foreseeable that the public may ultimately associate its view of the appointed judge less on the judge's merits as shown in the year or more of service on the bench, and instead turn toward

the partisan positions of the governor who appointed the judge. This may further politicize what was meant to be an appointment to address a vacancy. Justified by policy ostensibly aimed at increasing candidates from private interests and outcomes that are seemingly speculative, if not entirely aspirational, it is questionable whether this outweighs the interest of the public to provide a quick vote on what was meant to address a mere vacancy.

Source:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Note:
Underscored Material = new language proposed for insertion
[Bracketed material] = existing language proposed for deletion

Full Text of Legislation

SENATE JOINT RESOLUTION 3 - Proposed Constitutional Amendment 3

PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT AN APPOINTED JUDGE SERVE AT LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE OFFICE TO WHICH THE JUDGE WAS APPOINTED.

SECTION 1. It is proposed to amend Article 6, Section 35 of the constitution of New Mexico to read:

"There is created the "appellate judges nominating commission", consisting of: the chief justice of the supreme court or the chief justice's designee from the supreme court; two judges of the court of appeals appointed by the chief judge of the court of appeals; the governor, the speaker of the house of

representatives and the president pro tempore of the senate shall each appoint two persons, one of whom shall be an attorney licensed to practice law in this state and the other who shall be a citizen who is not licensed to practice law in any state; the dean of the university of New Mexico school of law, who shall serve as [~~chairman~~] chair of the commission and shall vote only in the event of a tie vote; four members of the state bar of New Mexico, representing civil and criminal prosecution and defense, appointed by the president of the state bar and the judges on [~~this committee~~] the commission. The appointments shall be made in such manner that each of the two largest major political parties, as defined by the Election Code, shall be equally represented on the commission. If necessary, the president of the state bar and the judges on [~~this committee~~] the commission shall make the minimum number of additional appointments of members of the state bar as is necessary to make each of the two largest major political parties be equally represented on the commission. These additional members of the state bar shall be appointed such that the diverse interests of the state bar are represented. The dean of the university of New Mexico school of law shall be the final arbiter of whether such diverse interests are represented. Members of the commission shall be appointed for terms as may be provided by law. If a position on the commission becomes vacant for any reason, the successor shall be selected by the original appointing authority in the same manner as the original appointment was made and shall serve for the remainder of the term vacated.

The commission shall actively solicit, accept and evaluate applications from qualified lawyers for the position of justice of the supreme court or judge of the court of appeals and may require an applicant to submit any information it deems relevant to the consideration of [~~his~~] the application.

Upon the occurrence of an actual vacancy in the office of justice of the supreme court or judge of the court of appeals, the commission shall meet within thirty days and within that period submit to the governor the names of persons qualified for the

judicial office and recommended for appointment to that office by a majority of the commission.

Immediately after receiving the commission nominations, the governor may make one request of the commission for submission of additional names, and the commission shall promptly submit such additional names if a majority of the commission finds that additional persons would be qualified and recommends those persons for appointment to the judicial office. The governor shall fill a vacancy or appoint a successor to fill an impending vacancy in the office of justice of the supreme court or judge of the court of appeals within thirty days after receiving final nominations from the commission by appointing one of the persons nominated by the commission for appointment to that office. If the governor fails to make the appointment within that period or from those nominations, the appointment shall be made from those nominations by the chief justice or the acting chief justice of the supreme court. [~~Any~~] The person appointed shall serve until the [~~next~~] first general election [~~That person's~~] following one year after appointment. The appointee's successor shall be chosen at such election and shall hold the office until the expiration of the [~~original~~] term in effect at the time of election."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

Proposed: General Obligation Bonds

The following three general obligation bond questions will appear on all ballots for the General Election on November 8, 2022:

Bond Question 1:

"The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction and equipment acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed twenty-four million four hundred seventy thousand dollars ($24,470,000) to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For: _____ Against: _____

Bond Question 2:

"The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed nineteen million two hundred sixty-six thousand dollars ($19,266,000) to make capital expenditures for academic, public school, tribal and public library resource

acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For: _____ Against: _____

Bond Question 3:

"The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher education, special schools and tribal schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed two hundred fifteen million nine hundred eighty-six thousand dollars ($215,986,000) to make capital expenditures for certain higher education, special schools and tribal schools capital improvements and acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses incurred in connection with the issuance of the bonds and the collection of the tax as permitted by law?

For: _____ Against: _____

Explanation of General Obligation Bonds and Taxes

A bond represents a debt for money borrowed by a government to finance capital improvement projects. The State of New Mexico promises to repay the amount borrowed, plus interest, over a period of time for each series of General Obligation bonds that are approved by voters. The bonds are called “General Obligation” because payment of the debt service (principal plus interest) is a general obligation of the State and its property owners through property taxation.

According to the Board of Finance Division of the NM Department of Finance and Administration, the specific amount of property taxes collected in a given year is attributable to a number of factors, including the amount of debt service required for existing General Obligation bonds, the projected debt service required for the new bond issue, the latest assessed valuation of net taxable property, cash balances in bond debt service accounts, the date of issuance, and the actual interest rate obtained on the bond sale.

2022 General Obligation Bond Projects (House Bill 153)

The New Mexico Legislature passed the 2022 Capital Projects General Obligation Bond Act detailing projects that would be funded by these bonds. No bonds will be issued or sold under the act until the state's registered voters have voted upon and approved the issuance of the bonds. Each bond question is voted upon separately with a "For" or "Against" question.

Purpose

The three 2022 bond questions ask for voter approval to issue general obligation bonds as follows:

BOND ISSUE 1, in an amount not to exceed $24,470,000 to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects.

The following projects have been specifically designated for funding by the sale of Bond Issue 1:

Acoma Pueblo Senior Center - Plan, Design, Construct, Renovate & replacement of wheelchair accessible doors	$75,000
Alcalde Senior Center - Vehicles	$70,000
Alejandro Ruiz Senior Center in Carlsbad – Renovations	$1,352,442
Alejandro Ruiz Senior Center in Carlsbad – Vehicles	$162,024
Alb. Senior Affairs – Nutrition & Transportation	$375,050
Amalia Senior Center in Taos County – Plan, Design, Construct, Equip & Furnish	$1,450,000
Barelas Senior Center in Alb – Meals Equipment & other Equipment	$40,141

Beatrice Martinez Senior Center in Espanola – Vehicles	$90,000
Belen Senior Center – Meals Equipment & other Equip	$58,000
Benny J. Chaves ***(also known as Chimayo Senior Center)*** – Renovations	$500,000
Bernalillo Senior Center – Renovations	$25,810
Bernalillo Senior Center – Vehicles	$30,000
Blanco Senior Center – Meals Equipment & other Equip	$24,000
Blanco Senior Center – Vehicles	$55,000
Bloomfield Senior Center – Renovations	$35,000
Bosque Farms Community Center - Vehicles	$55,000
Broadmoor Senior Center in Rio Rancho – Plan, Design, Construct, Equip & Furnish	$774,569
Carrizozo Senior Center – Vehicles	$48,429
Capitan Senior Center – Vehicles	$34,284
Chama Senior Center – Design	$75,000
Chimayo La Arboleda Senior Center – Vehicles	$70,000
Chimayo Senior Center ***(also known as Benny J. Chavez Comm. Center)*** Santa Fe County – Renovations	$500,000
Corona Senior Center – Vehicles	$34,284
Coyote Senior Center – Vehicles	$70,000
Del Rio Senior Center in Valencia County – Plan, Design, Construct, Equip & Furnish	$460,000
Del Rio Senior Center in Valencia County – Meals Equipment & other Equipment	$58,000
Deming Senior Center – Renovations	$57,579
Espanola Senior Center – Vehicles	$70,000
Estancia Senior Center - Renovations	$169,621
Fort Sumner Senior Center – Plan & Design	$75,000
Fort Sumner Senior Center – Vehicles	$50,000
Frank O'Brien Papen Comm. Center in Las Cruces – Renovations	$35,000
Gallup Senior Center – Plan, Design, Const. & Equip.	$5,415,300
Gallup Senior Center – Vehicles	$76,000
Gila Senior Center – Vehicles	$38,200
Glenwood Senior Center – Renovations	$ 90,000
Glenwood Senior Center - Vehicles	$52,000
Highland Senior Center Alb - Renovations	$353,358

Hobbs Senior Center – Vehicles	$60,500
Hondo Senior Center-Vehicles	$30,000
Laguna Senior Center – Plan, Design, Const. & Equip	$123,000
La Casa Senior Center – Improvements, Installation of Equipment & Building Systems	$43,500
Las Vegas Senior Center – Meals Equipment & other Equipment	$130,000
Las Vegas Senior Center – Vehicles	$140,000
Logan Senior Center – Renovations & Equipment	$62,262
Lower Valley Senior Center – Meals Equipment & other Equipment	$24,000
Mary Esther Gonzales Sr. Center in Santa Fe – Meals Equipment & other Equipment	$235,630
Meadow Lake Senior Center in Valencia County – Meals Equipment & other Equipment	$73,000
Meadowlark Senior Center in Rio Rancho – Renovations	$226,474
Mimbres Senior Center – Vehicles	$38,200
Moriarty Senior Center – Plan & Design	$53,599
Mountainair Senior Center – Renovations & Equip.	$158,861
North Valley Senior Center in Alb – Renovations	$2,971,442
Palo Duro Senior Center in Alb – Renovations	$1,000,000
Pasatiempo Senior Center in Santa Fe – Meals Equipment & other Equipment	$65,805
Pena Blanca Community Center – Vehicles	$30,208
Pojoaque Pueblo Senior Center – Plan, Design, Construct & Renovate	$100,000
Pueblo of Taos Senior Daycare Facility ***(NEW Senior Daycare Facility)*** – Construct & Equip	$822,000
Quemado Senior Center – Meals Equipment & other Equipment	$92,500
Questa Senior Center – Plan, Design, Construct, Equip & Furnish	$727,587
Robert P. Munson Senior Center Las Cruces – Design, Construct, Equip & Furnish	$666,199
Robert P. Munson Senior Center Las Cruces – Vehicles	$110,000
Raymond G. Sanchez Senior Center – Renovations	$235,000
Reserve Senior Center – Meal Equipment & other Equipment	$40,000
Reserve Senior Center – Renovations	$40,000
Ruidoso Community Center – Renovations	$94,000

Ruidoso Downs Senior Center – Vehicles	$48,429
San Felipe Pueblo Senior Center - Vehicles	$100,000
Santa Clara Pueblo Adult Daycare – Renovations	$116,237
Santa Clara Senior Center - Vehicles	$38,200
Santa Clara Pueblo Adult Daycare Center – Plan, Design, Construct & Renovate, Including Flooring & Lighting for the Pueblo of Santa Clara in Rio Arriba County	$500,00
Santa Cruz Senior Center – Plan, Design, Construct, Equip & Furnish	$2,041,441
Whispering Pines Senior Center - Renovations	$ 457,000

BOND ISSUE 2, in an amount not to exceed $19,266,000 to make capital expenditures for academic, public school, tribal and public library resource acquisitions.

Cultural Affairs Department: (a) six million dollars ($6,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at non-tribal public libraries statewide; and (b) one million dollars ($1,000,000) for equipment, library furniture, fixtures and supplemental library resource acquisitions, including print, non-print and electronic resources, collaborative library resources and information technology projects, and for the purchase and installation of broadband internet equipment and infrastructure at tribal libraries statewide.

Higher Education Department: six million dollars ($6,000,000) for supplemental library resource acquisitions, including books, equipment, electronic resources, collaborative library resources and information technology projects, for academic libraries statewide.

Public Education Department: six million dollars ($6,000,000) for equipment and supplemental library resource acquisitions, including print, non-print and electronic resources, at public school libraries statewide.

BOND ISSUE 3, in an amount not to exceed $215,986,000 to make capital expenditures for certain higher education, special schools, and tribal schools capital improvements and acquisitions.

The following higher education, special schools and tribal schools have been specifically designated for funding by the sale of Bond 3:

Clovis Comm. College – Plan, Design, Infrastructure Improvements	$1,685,000
CNMCC – Plan, Design, Construct, Furnish, Equip, Trades & Applied Technologies Facility	$15,000,000
Dine College Shiprock - Plan, Design, Construct, Furnish & Equip Student Services Facility	$5,000,000
ENMU Roswell – Plan, Design, Construct & Renovate, Physical Ed. Center, Arts & Science	$2,475,000
ENMU – Plan, Design, Construct, Furnish & Equip Student Academic Services	$9,000,000
Luna Comm. College - Plan, Design, Construct, Furnish & Equip Infrastructure Improvements	$1,500,000
Navajo Technical Univ. – Plan, Design, Construct, Furnish & Equip a Trades Building	$4,00,000
NM Highlands Univ. – Plan, Design, Construct, Furnish & Equip a Facility Building	$4,500,000
NM Institute of Mining & Tech. – Plan, Design, Construct, Furnish & Equip Improvements to the Playas Training & Research Center	$5,000,000
NM Institute of Mining & Tech. – Plan, Design, Construct, Furnish & Equip Kelly Hall	$3,300,000
NM Junior College – Plan, Design, Construct, Furnish & Equip a Vocational Trades Building	$2,100,000
NM Military Institute in Roswell - Plan, Design, Construct, Furnish & Equip an Expansion to Bates Hall	$4,000,000

NM School for the Blind & Visually Impaired – Plan, Design, Construct, Furnish & Equip a Residential Cottage	$4,000,000
NM School for the Deaf in Alb - Plan, Design, Construct, Furnish & Equip	$1,400,000
NMSU Las Cruces - Plan, Design, Construct, Furnish & Equip a College Engineering Facility including Demolition of Thomas & Brown Hall	$22,500,000
NMSU Las Cruces - Plan, Design, Construct, Furnish & Equip the Health & Social Sciences Bldg. & O'Donnell Hall	$13,500,000
NMSU Las Cruces - Plan, Design, Construct, Furnish & Equip the School of Nursing & Simulation Center in the Health & Social Services Bldg.	$2,000,000
NMSU Las Cruces - Plan, Design, Construct, Furnish & Equip Including Abatement & demolition, the NM Dept. of Agriculture Bldg.	$10,500,000
NMU Dona Ana - Plan, Design, Construct, Renovate & Equip Infrastructure Improv. & Replacement of Roof	$1,350,000
NMU Grants - Plan, Design, Construct, Renovate & Equip Infrastructure Improv. Including Roof Replacement to Martinez Hall	$1,250,000
Northern NM State School Espanola – Plan, design, Construct & Repair Infrastructure Improv.	$3,000,000
San Juan College - Plan, Design, Construct, Furnish & Equip Information Tech. Infrastructure	$3,000,000
Santa Fe Comm. College - Plan, Design, Construct, Renovate & Equip Information Tech. Infrastructure	$2,300,000
UNM Alb – Plan, Design, Construct, Furnish & equip a new center for Collaborative Art & Tech.	$45,000,000
UNM Alb – Plan, Design, Construct, Renovate, Furnish & Equip a Children's Psychiatric Center for the Health Sciences Center	$36,000,000
UNM Gallup – Plan, Design, Construct, Renovate & Equip Infrastructure Improv to Gurley Hall	$3,000,000
UNM Los Alamos - Plan, Design, Construct, Renovate, Furnish & Equip Infrastructure Improv.	$1,300,000
UNM Taos – Plan, Design, Construct, Renovate, Furnish & Equip Renovations and addition to Fred Peralta Hall	$3,000,000
UNM Valencia - Plan, Design, Construct, Renovate, Furnish & Improvements, including Roof Replacement & Solar Installation to the Learning Commons Resource Center	$900,000

Western UNM Deming – Plan, Design, Construct, Furnish & Equip a Deming Learning Center	$2,000,000
Western NMU Silver City – Plan, design, Construct, Renovate, Furnish & Equip Infrastructure Improv. Including Roadway Improvements	$2,000,000

Fiscal Implications

Based on the assumption that all three bond questions described will be approved by voters, the property tax year 2021 mil levy has been set at 1.36 mils, which is the same as the 2019 and 2020 rates. The State Board of Finance estimates if all three bond questions are approved by the voters, the cost of repaying the bonds over a ten-year period would be approximately $11.13 per $100,000 of asset value per year. Of the annual average $11.13, Bond Question 1 accounts for $1.05, Bond Question 2 accounts for $0.82, and Bond Question 3 accounts for $9.26.

The total for all three questions, including bond issuance costs, is **$259,722,000.**

A complete breakdown of the designated projects under each bond issue can be found on the New Mexico Legislature's website:
https://nmlegis.gov/Sessions/22%20Regular/final/HB0153.pdf

Source: NM Department of Finance and Administration.

Additional Resources

Additional information on the proposed constitutional amendments and general obligation bonds can be found at the following sites:

House Joint Resolution 1 - Constitutional Amendment 1:
https://www.nmlegis.gov/Sessions/21%20Regular/final/HJR01.pdf

House Joint Resolution 1 – Constitutional Amendment 2:
https://www.nmlegis.gov/Sessions/22%20Regular/final/HJR01.pdf

Senate Joint Resolution – Constitution Amendment 3:
https://www.nmlegis.gov/Sessions/22%20Regular/final/SJR03.pdf

House Bill 153 – General Obligation Bonds:
https://www.nmlegis.gov/Sessions/22%20Regular/final/HB0153.pdf

General Obligation Bond Projects Chart by County:
https://www.nmlegis.gov/Publications/Capital_Outlay/HTRC%20SUB%20HB153%20Projects%20by%20County%20with%20Governors%20Actions,%202022.pdf

The League of Women Voters of New Mexico:
www.lwvnml.org

The New Mexico Secretary of State's Office:
www.sos.state.nm.us

El Secretario de Estado de Nuevo México

2022 ELECCIÓN GENERAL

GUÍA DE VOTACIÓN

Enmiendas constitucionales propuestas, bonos de obligación general & Información general sobre la votación en Nuevo México

La votación adelantada comienza el 11 de octubre de 2022
El día de las elecciones es el 8 de noviembre de 2022
www.NMVOTE.org

Tabla de contenidos

Información General	4
Propuesta: Enmienda Constitucional 1	6
Propósito	7
Argumentos a favor	8
Argumentos en contra	10
Texto íntegro de la legislación	13
Propuesta: Enmienda Constitucional 2	17
Propósito	17
Argumentos a favor	18
Argumentos en contra	20
Texto íntegro de la legislación	22
Propuesta: Enmienda Constitucional 3	26
Propósito	26
Argumentos a favor	27
Argumentos en contra	29
Texto íntegro de la legislación	31
Propuesta: Fianzas de Obligación General	34
Explicación de los bonos e impuestos de GO	36
Propósito	37
Implicaciones fiscales	43
Recursos adicionales	44

Información General

En las sesiones legislativas de 2021 y 2022, la Legislatura de Nuevo México aprobó tres resoluciones conjuntas que proponen enmiendas a la constitución estatal. Las enmiendas propuestas aparecerán en la boleta electoral del 8 de noviembre de 2022.

La Constitución de Nuevo México establece que la legislatura, por un voto mayoritario de todos los miembros elegidos para cada cámara, puede proponer enmiendas que revisen la constitución, y que las enmiendas propuestas deben presentarse a los votantes del estado para su aprobación. Una enmienda propuesta se convierte en parte de la constitución del estado si la mayoría de los votos emitidos en una elección sobre la propuesta se emiten a su favor, a menos que la enmienda propuesta afecte una de las secciones de la constitución para las cuales se requiere una mayoría de tres cuartos. (Las enmiendas constitucionales propuestas este año no afectan a ninguna de esas secciones y, por lo tanto, solo requieren un voto de mayoría simple para ser aprobadas). Las enmiendas constitucionales propuestas entrarán en vigencia una vez aprobadas por los votantes, a menos que se proporcione una fecha de vigencia dentro del texto de la enmienda propuesta.

Para las enmiendas propuestas que aparecerán en la boleta electoral del 8 de noviembre de 2022, esta guía contiene el texto de las resoluciones conjuntas que proponen las enmiendas junto con las declaraciones de propósito de las

enmiendas. Los argumentos a favor y en contra de las enmiendas, así como el análisis adicional, están disponibles en los sitios web proporcionados.

La legislatura también aprobó un proyecto de ley que propone tres bonos de obligación general (GO). Estos bonos propuestos también deben presentarse a los votantes del estado para su aprobación. Los bonos de obligación general son un tipo de bono garantizado por el uso por parte del estado de los recursos legalmente disponibles. El texto de cada pregunta de la boleta se incluye aquí, junto con una declaración de la función del bono y el impacto fiscal. Los argumentos a favor y en contra de los bonos propuestos, junto con análisis adicionales, están disponibles en los sitios web proporcionados.

Renuncia

La oficina de la Secretaria de Estado está incluyendo el texto de cada pregunta propuesta en la boleta electoral estatal para aparecer en la boleta en las Elecciones Generales de 2022. También se ha proporcionado una breve declaración de propósito o función para cada pregunta. Se incluyen enlaces y referencias adicionales para que el votante revise el lenguaje completo del proyecto de ley u obtenga información adicional sobre los temas. El análisis presentado en esta guía fue desarrollado por una variedad de fuentes y no refleja necesariamente las opiniones de la oficina de la Secretaria de Estado. En cambio, esta guía intenta proporcionar a los votantes varios recursos para revisar las enmiendas y llegar a sus propias conclusiones.

Propuesta: Enmiendas constitucionales

Las siguientes preguntas sobre las enmiendas constitucionales aparecerán en todas las boletas para las Elecciones Generales del 8 de noviembre de 2022:

Enmienda Constitucional 1

SE PROPONE ENMENDAR EL ARTÍCULO 12, SECCIÓN 7 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER DISTRIBUCIONES ANUALES ADICIONALES DEL FONDO ESCOLAR PERMANENTE PARA LA INSTRUCCIÓN AUMENTADA DE ESTUDIANTES EN RIESGO DE FRACASO, EXTENDER EL AÑO ESCOLAR, COMPENSACIÓN PARA EDUCADORES Y EDUCACIÓN DE LA PRIMERA INFANCIA; REQUIRIENDO LA APROBACIÓN DEL CONGRESO SOBRE LAS DISTRIBUCIONES PARA EDUCACIÓN DE LA PRIMERA INFANCIA.

A favor: _____ En contra: _____

Propósito

La Enmienda Constitucional 1 propone enmendar el Artículo 12, Sección 7 de la Constitución de Nuevo México para proporcionar distribuciones adicionales de los fondos permanentes de concesión de tierras. Estas distribuciones adicionales serían por un monto de 1.25% del promedio del valor de mercado de fin de año del Fondo Permanente de Escuelas para los cinco años calendario inmediatamente anteriores. El cuarenta por ciento de la distribución adicional del 1.25% se distribuiría a las escuelas públicas para mejorar la instrucción de los estudiantes en riesgo, extendiendo el año escolar y la compensación de los maestros, y el 60% de la distribución adicional del 1.25% sería para proporcionar educación de la primera infancia, que se define como educación no sectaria y no denominacional para los niños hasta que sean elegibles para el jardín de infantes. La Enmienda Constitucional 1 permitiría a la legislatura suspender estas distribuciones adicionales por un voto de tres quintos y suspendería automáticamente la distribución adicional si los valores promedio de mercado de cinco años de los fondos permanentes de concesión de tierras caen por debajo de $ 17 mil millones. Si la Enmienda Constitucional 1 es aprobada por los votantes, aún requeriría la aprobación del Congreso antes de entrar en vigencia.

Argumentos a favor

1. Proporcionaría fondos adicionales y necesarios para las escuelas públicas y la educación de la primera infancia.
Con la distribución adicional propuesta del Fondo Permanente de Concesión de Tierras en esta enmienda constitucional, los programas de educación pública y educación de la primera infancia recibirán un aumento en la financiación educativa en todo el estado de ese fondo. Según las estimaciones del Comité de Finanzas Legislativas, que dependen de los rendimientos proyectados de la inversión, el aumento de la distribución del 1.25% en la enmienda constitucional podría resultar en la distribución de $211.5 millones adicionales en fondos para la educación en el año fiscal 2023. Esto proporcionaría aproximadamente $126.9 millones para la educación de la primera infancia y $84.6 millones para la educación pública. El financiamiento adicional proyectado para la educación de la primera infancia puede ayudar a cerrar la brecha de financiamiento que el Departamento de Educación y Cuidado de la Primera Infancia presentó en sus planes financieros recientes, que estimaron que se necesitaban $505 millones adicionales para el año fiscal 2026 para proporcionar a Nuevo México acceso universal a los servicios de la primera infancia. Además, los fondos para la educación pública se utilizarían para mejorar la instrucción de los estudiantes en riesgo de fracaso, la extensión del año escolar y la compensación de los maestros de las escuelas públicas.

2. La programación educativa de la primera infancia proporciona un beneficio significativo en los resultados de los estudiantes.
Según un informe de 2020 del Comité de Finanzas Legislativas, los programas de pre-kindergarten se encuentran entre las medidas de reforma educativa más efectivas para mejorar los resultados de los estudiantes.[1] La participación en el pre-

kindergarten condujo a tasas más altas de graduación de la escuela secundaria, y la participación en pre-kindergarten para los estudiantes con necesidades especiales también condujo a mejores resultados. El Comité de Finanzas Legislativas, a través de su informe, vio un aumento en las tasas de graduación para los estudiantes del idioma inglés y los participantes de bajos ingresos, una reducción en la retención de grado y una reducción en el ausentismo crónico. Además, la participación en programas de pre-kindergarten se correlacionó con puntajes más altos en las pruebas a lo largo de las carreras académicas de los estudiantes.

3. El aumento de los resultados de los estudiantes proporciona beneficios directos a los contribuyentes y al estado.

Proporcionar más programas de educación de la primera infancia de alta calidad no solo ha demostrado tener un mayor impacto en los resultados educativos de los estudiantes, sino que también proporciona un retorno significativo de la inversión. El beneficio para los contribuyentes de los programas de pre-kindergarten se estima en $16,000 por estudiante.[2] Estos beneficios son el resultado de que aquellos estudiantes en promedio ganan salarios de por vida más altos y pagan impuestos más altos, así como ahorros resultantes de un menor gasto en delitos y programas sociales. El aumento del gasto en educación de la primera infancia y escuelas públicas, según lo dispuesto en esta enmienda constitucional, puede capitalizar aún más este retorno de la inversión.

---

[1] Informe de Calidad y Resultados Educativos del Comité de Finanzas Legislativas Prekindergarten; https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/Prekindergarten%20Quality%20and%20Educational%20Outcomes.pdf.

[2] *Ídem.*

Argumentos en contra

1. Hay otros fondos disponibles para lograr el objetivo declarado de la enmienda constitucional propuesta.
Puede ser que el financiamiento proporcionado por una nueva distribución provista en esta enmienda constitucional propuesta no sea necesario para financiar suficientemente los programas de la primera infancia. En 2020, como alternativa a una propuesta similar a esta enmienda constitucional, el estado creó un nuevo fondo fiduciario, el Fondo de Educación y Cuidado de la Primera Infancia. La ley establece que el fondo distribuye al menos $30 millones para servicios y programas de educación y cuidado de la primera infancia cada año. El Comité de Finanzas Legislativas proyecta que las distribuciones del fondo para la educación y los servicios de la primera infancia alcanzarán los $68.25 millones en el año fiscal 2024, $127.97 millones en el año fiscal 2025 y $173 millones en el año fiscal 2026, proporcionando casi tres cuartas partes de los $505 millones que el Departamento de Educación y Cuidado de la Primera Infancia estima que se necesitan para el año fiscal 2026 para proporcionar a Nuevo México acceso universal a los servicios de la primera infancia. Se estima que la propuesta en la resolución conjunta proporcionará $134.31 millones en el año fiscal 2024 y $141.3 millones en el año fiscal 2025. En lugar de arriesgar el corpus del Fondo Permanente de Concesión de Tierras y una reducción posiblemente significativa en las distribuciones futuras a los beneficiarios existentes, puede ser más apropiado confiar en este recurso existente para financiar programas de la primera infancia y permitir el crecimiento continuo de los cientos de millones de dólares en beneficios que el Fondo Permanente de Concesión de Tierras ya entrega a las escuelas de Nuevo México cada año.

2. La enmienda eventualmente causará distribuciones decrecientes debido a un corpus de fondos más pequeño.
Como fondo fiduciario, el Fondo Permanente de Concesión de Tierras se invierte para garantizar un crecimiento sostenible en el tiempo. Un fondo más grande equivale a una distribución más

grande, ya que las distribuciones del fondo se basan en un porcentaje del tamaño total del fondo. Si se distribuye más dinero del fondo ahora, entonces habrá menos dinero disponible para invertir, y el fondo crecerá a una tasa más baja con el tiempo. El resultado es que, si bien se distribuirá más dinero del fondo, eventualmente la distribución basada en un mayor porcentaje de un fondo de crecimiento más lento será menor que si se mantienen las tasas de distribución actuales. Este punto en el tiempo a menudo se conoce como el "punto de inflexión" y se estima que ocurrirá en algún momento de la década de 2040.3 La línea de tiempo para este punto de inflexión depende de los rendimientos de la inversión a lo largo del tiempo; sin embargo, eventualmente ocurrirá, y cuando lo haga, la distribución disminuida existirá durante la vida del fondo.

3. Se requiere la aprobación del Congreso, y es probable que se necesiten más cambios legislativos.

Si esta enmienda constitucional fuera aprobada por los votantes, se requiere la aprobación del Congreso de los Estados Unidos antes de que los cambios entren en vigencia. El Fondo Permanente de Concesión de Tierras fue creado cuando se estableció el Estado de Nuevo México y está sujeto a la Ley Federal de Habilitación de 1910. Esta ley federal requiere que si se cambian las distribuciones a los beneficiarios del fondo, se requiere la aprobación previa del Congreso. Además, los cambios realizados en esta enmienda constitucional probablemente requerirán la acción de la Legislatura de Nuevo México. El cuarenta por ciento del aumento de la distribución se proporciona al beneficiario del fondo permanente de la escuela pública. Este flujo de fondos ya existe y proporciona una fuente de financiación para las escuelas públicas. Sin embargo, el 60% de la nueva distribución se destinará a la educación de la primera infancia. No está claro por ley cómo se usaría este dinero y qué departamento, agencia o entidad del estado recibiría esta distribución. Como señaló el personal del Comité de Estudio de la Educación Legislativa, las escuelas públicas son los principales beneficiarios del Fondo Escolar Permanente, pero la mayoría de estas escuelas no prestan servicios para la primera infancia. El Consejo Estatal de Inversiones también ha señalado que, si bien las escuelas públicas pueden proporcionar algunos programas de

educación temprana, más de la mitad de los beneficiarios no son instalaciones educativas o no tienen una misión relacionada con la educación de la primera infancia. Además, puede ser ilegal utilizar dinero de una nueva distribución del Fondo Escolar Permanente para muchos de los servicios de la primera infancia que actualmente prestan entidades privadas a través de contratos con el Estado. Según el fiscal general, los fondos del Fondo Permanente de Concesión de Tierras tienen prohibido ser utilizados para escuelas o programas privados, incluso a través de contratos con una agencia estatal, lo que el fiscal general afirma que "sería simplemente un intento artificial de eludir las prohibiciones de la Ley [Habilitante] y la constitución estatal". [4]

4. En realidad, puede que no aumenta los fondos para la educación pública o la educación de la primera infancia.

Esta enmienda constitucional aumentará los fondos del Fondo Permanente de Concesión de Tierras para ser utilizados para la educación pública y la educación de la primera infancia, al menos en el corto plazo. Sin embargo, la educación pública y la educación de la primera infancia reciben porciones significativas de sus presupuestos de otras fuentes, incluidos otros fondos existentes en la ley estatal y también las asignaciones del Fondo General que se realizan anualmente. Esta enmienda constitucional no garantiza fondos adicionales para estudiantes en riesgo, días escolares adicionales, compensación de maestros o educación de la primera infancia porque nada impide que la legislatura reduzca el dinero que ahora proporciona para esos fines con asignaciones para otros fines. Esto significa que el estado podría reducir las distribuciones y asignaciones de otras fuentes de financiamiento para su uso en otros lugares. Si bien la posible liberación de estos fondos para otros usos podría enmarcarse como un beneficio, el propósito a menudo declarado de la enmienda constitucional de aumentar los fondos para la educación pública y la educación de la primera infancia no es un resultado inevitable.

[3]Informe de Impacto Fiscal del Comité de Finanzas Legislativas para HJR 1 (2021); https://www.nmlegis.gov/Sessions/21%20Regular/firs/HJR01.PDF

[4]2012 Op. Att'y Gen. No. 12-03;
https://nmonesource.com/nmos/ag/en/item/5937/index.do

Fuente:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Texto íntegro de la legislación

Nota:
***Material subrayado** = nuevo lenguaje propuesto para la inserción*
***[Material entre corchetes]** = texto existente propuesto para su supresión*

RESOLUCIÓN COMÚN DE LA CÁMARA 1 – Propuesta Enmienda Constitucional 1

SE PROPONE ENMENDAR EL ARTÍCULO 12, SECCIÓN 7 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER DISTRIBUCIONES ANUALES ADICIONALES DEL FONDO ESCOLAR PERMANENTE PARA LA INSTRUCCIÓN AUMENTADA DE ESTUDIANTES EN RIESGO DE FRACASO, EXTENDER EL AÑO ESCOLAR, COMPENSACIÓN PARA EDUCADORES Y EDUCACIÓN DE LA PRIMERA INFANCIA; REQUIRIENDO LA APROBACIÓN DEL CONGRESO SOBRE LAS DISTRIBUCIONES PARA EDUCACIÓN DE LA PRIMERA INFANCIA.

SECCIÓN 1. Se propone enmendar el Artículo 12, Sección 7 de la Constitución de Nuevo México para que diga:

"A. Como se usa en esta sección, "[~~financiar~~] fondos permanentes de concesión de tierras" significa el fondo escolar permanente descrito en el Artículo 12, Sección 2 de esta constitución y todos los demás fondos permanentes derivados de tierras otorgadas o confirmadas al estado por el acta del congreso del 20 de junio de 1910, titulada "Una ley para permitir que el pueblo de Nuevo México forme una constitución y un gobierno

estatal y sea admitido en la unión en igualdad de condiciones con los estados originales.".

B. Los fondos permanentes de concesión de tierras [~~del fondo~~] serán invertidos por el oficial de inversiones del estado de acuerdo con las reglas [reglamentarias] de política promulgadas por el consejo estatal de inversiones.

C. Al realizar inversiones, el oficial de inversiones del Estado, bajo la supervisión del Consejo Estatal de Inversiones, invertirá y administrará los fondos permanentes de concesión de tierras [~~del fondo~~] de conformidad con la Ley Uniforme de Inversores Prudentes.

D. La legislatura puede establecer criterios para invertir los fondos permanentes de concesión de tierras [~~fondo~~] si los criterios se promulgan por el voto de tres cuartas partes de los miembros elegidos para cada cámara, pero la inversión de los fondos permanentes de concesión de tierras [fondo] está sujeta a las siguientes restricciones:

(1) no más del sesenta y cinco por ciento del valor contable de los fondos permanentes de concesión de tierras [~~fondo~~] se invertirá en un momento dado en acciones corporativas;

(2) no se mantendrá más del diez por ciento de las acciones con derecho a voto de una corporación; y

(3) las existencias elegibles para la compra se limitarán a las acciones de empresas que cotizan en una bolsa de valores nacional o que se incluyen en una lista de acciones reconocida a nivel nacional.

E. Todas las adiciones a los fondos permanentes de concesión de tierras [~~fondo~~] y todas las ganancias, incluidos los intereses, dividendos y ganancias de capital de la inversión de los fondos permanentes de concesión de tierras [~~fondo~~] se acreditarán a los fondos permanentes de concesión de tierras [~~fondo~~].

F. [~~Salvo lo dispuesto en la Subsección G de esta sección~~] Las distribuciones anuales de los fondos permanentes de concesión de tierras [del ~~fondo~~] a los beneficiarios especificados en la Ley Ferguson y la Ley de Habilitación serán del cinco por ciento del promedio de los valores de mercado de fin de año de los fondos permanentes de concesión de tierras [~~fondo~~] para los cinco años civiles inmediatamente anteriores.

G. Además de las distribuciones anuales [~~de distribución~~] realizadas de conformidad con la Subsección F de esta sección, a menos que se suspenda de conformidad con la Subsección [~~H~~] J de esta sección, se realizará una distribución anual [~~adicional~~] de uno y un cuarto por ciento del promedio del valor de mercado de fin de año del fondo escolar permanente para los cinco años calendario inmediatamente anteriores [~~de conformidad con el siguiente cronograma~~] según lo dispuesto en la Subsección H de esta sección; siempre que [~~no~~] la distribución adicional no se realice [~~de conformidad con las disposiciones de esta subsección~~] en ningún año fiscal si el promedio de los valores de mercado de fin de año del [~~fondo~~] de tierras otorga fondos permanentes para los cinco años calendario inmediatamente anteriores es menos de [~~diez mil millones de dólares ($ 10,000,000,000)~~] diecisiete mil millones de dólares ($ 17,000,000,000).

~~[(1) en los años fiscales 2005 a 2012, un monto igual a ocho décimas por ciento del promedio de los valores de mercado de fin de año del fondo para los cinco años calendario inmediatamente anteriores; siempre que cualquier distribución adicional del fondo escolar permanente de conformidad con este párrafo se utilizará para implementar y mantener las reformas educativas según lo dispuesto por la ley; y~~

~~(2) en los años fiscales 2013 a 2016, un monto igual a la mitad por ciento del promedio de los valores de mercado de fin de año del fondo para los cinco años calendario inmediatamente anteriores; siempre que cualquier distribución adicional del fondo escolar permanente de conformidad con este párrafo se utilizará~~

~~para implementar y mantener las reformas educativas según lo dispuesto por la ley~~]

H. A menos que se suspenda de conformidad con la Subsección G o J de esta sección, la distribución adicional del fondo escolar permanente previsto en la Subsección G de esta sección será la siguiente y según lo dispuesto por la ley:

(1) el cuarenta por ciento de la distribución adicional será para el beneficiario del fondo permanente de la escuela pública para la instrucción mejorada para estudiantes en riesgo de fracaso, extendiendo el año escolar y la compensación de maestros de escuelas públicas; y

(2) El sesenta por ciento de la distribución adicional será para la provisión de educación de la primera infancia.

I. Tal como se utiliza en esta sección, "educación de la primera infancia" significa educación no sectaria y no denominacional para los niños hasta que sean elegibles para el jardín de infantes.

[~~H.~~] J. La legislatura, por el voto de tres quintos de los miembros elegidos para cada cámara, podrá suspender cualquier distribución adicional prevista en la Subsección G de esta sección".

SECCIÓN 2. La enmienda propuesta por esta resolución será sometida al pueblo para su aprobación o rechazo en las próximas elecciones generales o en cualquier elección especial anterior a esa fecha que pueda convocarse al efecto.

SECCIÓN 3. La distribución prevista en el párrafo (2) de la subsección H de la sección 7 del artículo 12 de la constitución de Nuevo México no entrará en vigencia sin el consentimiento del congreso.

Enmienda Constitucional 2

SE PROPONE ENMENDAR EL ARTÍCULO 9, SECCIÓN 14 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PERMITIR INVERSIÓN PÚBLICA PARA PROVEER ACCESO A SERVICIOS ESENCIALES DEL HOGAR, INCLUYENDO INTERNET, ENERGÍA, AGUA, AGUAS RESIDUALES Y OTROS SERVICIOS SIMILARES SEGÚN LO PREVISTO POR LA LEY, CUANDO SE ESTABLEZCA LA LEGISLACIÓN GENERAL DE IMPLEMENTACIÓN POR VOTO MAYORITARIO DE LOS MIEMBROS ELECTOS A CADA CÁMARA DE LA LEGISLATURA.

A favor: _____ En contra: _____

Propósito

La Enmienda Constitucional 2 enmendaría el Artículo 9, Sección 14 (comúnmente conocida como la "cláusula anti-donación") de la Constitución de Nuevo México para permitir que la legislatura promulgue estatutos que autoricen al estado a gastar dinero para ayudar en la construcción de líneas de servicios públicos u otra infraestructura para energía, internet, agua, aguas residuales y servicios similares para fines principalmente residenciales. Si se promulgan, se requeriría que estos estatutos incluyan disposiciones para salvaguardar el dinero público y los recursos utilizados para los proyectos de líneas de servicios públicos. Cualquier disposición que especifique los criterios, las limitaciones o el alcance de dichos proyectos se dejaría en manos de la legislación de aplicación.

Argumentos a favor

1. La enmienda aumentaría el acceso a los servicios públicos esenciales.

Internet de banda ancha, energía, agua y servicios de aguas residuales son servicios públicos esenciales en el mundo de hoy, y algunas comunidades en Nuevo México todavía carecen de estos servicios básicos. El sector privado por sí solo no ha querido o no ha podido invertir en la construcción de líneas de servicios públicos en muchas comunidades, particularmente rurales. A menos que se levante la actual prohibición constitucional sobre el uso de fondos públicos para permitir que el Estado aborde este problema, es posible que el sector privado nunca lo resuelva. La enmienda propuesta no sólo autorizaría la inversión estatal directa para garantizar el acceso a los servicios públicos esenciales por parte de todos los nuevo mexicanos sino que también permitiría la posibilidad de la creación de asociaciones público-privadas para proporcionar acceso a estos servicios.

2. Puede ayudar al estado a movilizar fondos federales.

La prohibición actual contra la donación limita la capacidad de Nuevo México para competir con otros estados con respecto al desarrollo rural y para acceder a fondos federales para tales proyectos de desarrollo. Como ejemplo, las comunidades conectadas a la Interestatal 395 a lo largo del lado este de la cordillera de Sierra Nevada en California enfrentan desafíos geológicos y de densidad de población muy similares a los de muchas de las áreas montañosas de Nuevo México. Sin embargo, California pudo implementar un programa llamado "Digital 395" que utilizó dólares estatales para aprovechar un programa de asistencia federal creado en 2009 para proveedores de Internet privados y sin fines de lucro para desarrollar infraestructura de Internet que conecte a esas comunidades. Debido a las prohibiciones de la cláusula anti-donación, Nuevo México no pudo implementar un programa similar para aprovechar el dinero federal de banda ancha de 2009. La enmienda propuesta puede darle a Nuevo México la mejor oportunidad de aprovechar su parte de los dólares federales

para lograr el acceso más amplio al servicio de Internet en todo el estado y para acceder a fondos federales para la provisión de otros servicios domésticos esenciales.

3. Puede ayudar a garantizar que todos los nuevo mexicanos tengan acceso a Internet.

La adopción de la enmienda propuesta podría ser particularmente útil con respecto a la construcción de infraestructura de Internet de banda ancha de alta velocidad en todo el estado. Ahora más que nunca, el acceso a Internet de alta velocidad es esencial para el aprendizaje a distancia, la telemedicina y el trabajo remoto. Sin embargo, el Departamento de Tecnología de la Información, en su *Plan Estratégico de Banda Ancha del Estado de Nuevo México y Evaluación de Banda Ancha Rural* publicado en junio de 2020, informó que "un análisis conservador de datos estatales, de ISP y federales identifica un estimado de 196,000 ubicaciones en Nuevo México que no son atendidas por banda ancha, o el 20 por ciento de los aproximadamente 940,000 hogares y negocios del Estado". Esto significa que una quinta parte de los residentes del estado no pueden continuar con sus estudios a través del aprendizaje remoto, trabajar de forma remota o acceder a la atención médica necesaria, sin mencionar el acceso a una miríada de otros recursos públicos y privados que se encuentran en línea. La enmienda propuesta permitiría al estado invertir en la infraestructura de banda ancha que se necesita para la plena participación de todos los residentes de Nuevo México en el mundo moderno.

4. Los contornos de la legislación de aplicación se examinarían a través del proceso legislativo público.

A diferencia de una excepción general de "beneficio público" que algunos estados han aplicado a sus exenciones contra la donación, la adopción de la enmienda propuesta sería solo el primer paso en un largo proceso para permitir el uso de fondos públicos para proporcionar acceso a los servicios domésticos esenciales. Al igual que las excepciones que crearon la Ley de Desarrollo Económico Local y los programas de financiamiento hipotecario, ambas cámaras de la legislatura tendrían que aprobar una legislación de

implementación para que un programa de asistencia de servicios públicos entre en vigencia. La enmienda propuesta también requiere que la legislación de implementación "incluya salvaguardas para proteger el dinero público y otros recursos públicos utilizados para los fines autorizados", y una cantidad considerable de deliberación se destinará a desarrollarlos. Antes de que la legislación de implementación llegue al pleno de cada cámara, pasará por el proceso del comité, donde será debatida por los miembros después de una amplia oportunidad para comentarios públicos y estará sujeta a enmiendas durante todo el proceso.

Argumentos en contra

1. La enmienda propuesta carece de claridad y deja demasiada discrecionalidad a las futuras legislaturas a la hora de promulgar la legislación de aplicación.

La enmienda propuesta carece de claridad y deja los detalles de la excepción a la legislación de implementación promulgada por una futura legislatura. Por ejemplo, del texto de la enmienda no se desprende claramente para qué proyectos se permitirá utilizar fondos estatales, ya que esos detalles se establecerán en la legislación de aplicación. Además, si bien la enmienda propuesta enumera específicamente Internet, energía, agua y aguas residuales como servicios esenciales, también incluye "otros servicios similares proporcionados por la ley". Esta amplia disposición estará sujeta a una interpretación amplia por parte de la legislatura que promulgue la legislación de aplicación o su ejecución. Este lenguaje deja la puerta abierta a la prestación de asistencia pública a entidades privadas por servicios no contemplados en la aprobación de la enmienda y que podrían cambiarse en función de los vientos políticos de las futuras legislaturas.

2. El dinero público puede no estar adecuadamente protegido.

La prohibición contra la donación tiene un propósito valioso, y cualquier excepción propuesta debe verse con cautela. El propósito

de una cláusula anti-donación es asegurar que el dinero de los contribuyentes no se esté utilizando para apoyar o subsidiar ganancias privadas sin que el estado reciba algo de valor a cambio de la transferencia de dinero o propiedad. Sin embargo, esta enmienda propuesta no especifica cómo la legislación de implementación es para "salvaguardar el dinero público" ni hay inclusión de un límite de gasto, por lo que las implicaciones fiscales reales para el estado son desconocidas y podrían ser de gran alcance. Esta falta de orientación sobre los requisitos específicos para salvaguardar el dinero público podría resultar en que la legislatura promulgue una legislación de implementación que permita el uso de fondos estatales para proporcionar un mayor beneficio a los contratistas y otras empresas que brindan servicios esenciales en lugar de a los residentes del estado que necesitan esos servicios. Tal efecto sería contrario a la finalidad de la cláusula antidonación.

3. Las crecientes excepciones a la cláusula antidonación se están tragando la regla.

La cláusula anti-donación de Nuevo México está siendo reducida. Desde 1971, se ha enmendado seis veces para crear excepciones, incluidas las escisiones para permitir que los fondos públicos se utilicen para el cuidado y mantenimiento de personas enfermas e indigentes; estimular la creación de empleo; para proporcionar programas de becas para ciertos veteranos; proporcionar programas de becas para aspirantes a proveedores de atención médica; y apoyar el desarrollo de viviendas asequibles. El creciente número de excepciones se está tragando la norma que prohíbe las ayudas estatales a entidades privadas. Establecer más y más excepciones crea confusión con respecto a lo que está permitido y lo que está prohibido, y plantea la cuestión de si se deben establecer aún más excepciones o si es hora de deshacerse de la cláusula antidonación en su totalidad.

Fuente:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Nota:
<u>Material subrayado</u> = nuevo lenguaje propuesto para la inserción
[Material entre corchetes] = texto existente propuesto para su supresión

Texto íntegro de la legislación

RESOLUCIÓN COMÚN DE LA CÁMARA 1 - Propuesta Enmienda Constitucional 2

SE PROPONE ENMENDAR EL ARTÍCULO 9, SECCIÓN 14 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PERMITIR INVERSIÓN PÚBLICA PARA PROVEER ACCESO A SERVICIOS ESENCIALES DEL HOGAR, INCLUYENDO INTERNET, ENERGÍA, AGUA, AGUAS RESIDUALES Y OTROS SERVICIOS SIMILARES SEGÚN LO PREVISTO POR LA LEY, CUANDO SE ESTABLEZCA LA LEGISLACIÓN GENERAL DE IMPLEMENTACIÓN POR VOTO MAYORITARIO DE LOS MIEMBROS ELECTOS A CADA CÁMARA DE LA LEGISLATURA.

SEA RESUELTO POR LA LEGISLATURA DEL ESTADO DE NUEVO MÉXICO:

SECCIÓN 1. Se propone enmendar el Artículo 9, Sección 14 de la Constitución de Nuevo México para que diga:

"Ni el estado ni ningún condado, distrito escolar o municipio, salvo que se disponga lo contrario en esta constitución, prestarán o pignorarán directa o indirectamente su crédito ni harán ninguna donación a o en ayuda de ninguna persona, asociación o corporación pública o privada o en ayuda de cualquier empresa privada para la construcción de cualquier ferrocarril, excepto según lo dispuesto en las Subsecciones A a [~~G~~] <u>H</u> de esta sección.

A. Nada en esta sección prohíbe que el estado o cualquier condado o municipio tomen disposiciones para el cuidado y mantenimiento de personas enfermas e indigentes.

B. Nada en esta sección prohíbe que el estado establezca un programa de becas para veteranos para veteranos del conflicto de

Vietnam que son estudiantes postsecundarios en instituciones educativas bajo el control exclusivo del estado al eximir a dichos veteranos del pago de la matrícula. A los efectos de esta subsección, un "veterano del conflicto de Vietnam" es cualquier persona que ha sido dada de baja honorablemente de las fuerzas armadas de los Estados Unidos, que era residente de Nuevo México en el momento original de la entrada en las fuerzas armadas de Nuevo México o que ha vivido en Nuevo México durante diez años o más y que ha sido galardonado con una medalla de campaña de Vietnam por su servicio en las fuerzas armadas de este país en Vietnam durante el período comprendido entre el 5 de agosto de 1964 y la fecha oficial de terminación del conflicto de Vietnam según lo designado por orden ejecutiva del presidente de los Estados Unidos.

C. El estado puede establecer por ley un programa de préstamos a estudiantes de artes curativas, según lo definido por la ley, para residentes del estado que, a cambio del pago de gastos educativos, contratan con el estado para ejercer su profesión por un período de años después de la graduación dentro de las áreas del estado designadas por la ley.

D. Nada en esta sección prohíbe que el estado o un condado o municipio creen nuevas oportunidades de empleo al proporcionar tierras, edificios o infraestructura para instalaciones para apoyar negocios nuevos o en expansión si esta asistencia se otorga de conformidad con la legislación general de implementación que se aprueba por mayoría de votos de los elegidos para cada cámara de la legislatura. La legislación de aplicación incluirá salvaguardias adecuadas para proteger el dinero público u otros recursos utilizados para los fines autorizados en esta subsección. La legislación de aplicación dispondrá además que:

(1) cada proyecto específico del condado o municipio que proporcione asistencia de conformidad con esta subsección no necesita ser aprobado por la legislatura, sino que será aprobado por el condado o municipio de conformidad con los procedimientos previstos en la legislación de implementación; y

(2) cada proyecto estatal específico que proporcione asistencia de conformidad con esta subsección será aprobado por ley.

E. Nada en esta sección prohíbe que el estado, o la instrumentalidad del estado designado por la legislatura como la autoridad de vivienda del estado, o un condado o un municipio de:

(1) donar o de otra manera proporcionar o pagar una parte de los costos de la tierra para la construcción de viviendas asequibles;

(2) donar o proporcionar o pagar una parte de los costos de construcción o renovación de viviendas asequibles o los costos de conversión o renovación de edificios en viviendas asequibles; o

(3) proporcionar o pagar los costos de financiamiento o infraestructura necesarios para apoyar proyectos de vivienda asequible.

F. Las disposiciones de la subsección E de esta sección no son de ejecución automática. Antes de que se pueda proporcionar la asistencia descrita, la legislación habilitante se promulgará por mayoría de votos de los miembros elegidos para cada cámara de la legislatura. Esta legislación habilitante deberá:

(1) definir "vivienda asequible";

2) establecer criterios de admisibilidad para los destinatarios de terrenos, edificios e infraestructuras;

(3) contener disposiciones para asegurar la finalización exitosa de proyectos de vivienda asequible apoyados por asistencia autorizada de conformidad con la Subsección E de esta sección;

(4) requerir que un condado o municipio que brinde asistencia de conformidad con la Subsección E de esta sección otorgue una aprobación formal previa por ordenanza para un precio asequible específico

subsidio de asistencia a la vivienda e incluir en la ordenanza las condiciones del subsidio;

(5) requerir la aprobación previa por ley de un subsidio de asistencia de vivienda asequible por parte del estado; y

(6) exigir que el órgano rector de la instrumentalidad del estado, designado por la legislatura como la autoridad de vivienda del estado, dé su aprobación previa, por resolución, para las subvenciones de vivienda asequible que deben ser otorgadas por la instrumentalidad.

G. Nada en esta sección prohíbe que el estado establezca un programa de becas para veteranos, para veteranos de guerra militares que son estudiantes postsecundarios en instituciones educativas bajo el control exclusivo del estado y que han agotado todos los beneficios educativos ofrecidos por el Departamento de Defensa de los Estados Unidos o el Departamento de Asuntos de Veteranos de los Estados Unidos, eximiendo a dichos veteranos del pago de la matrícula. A los efectos de esta subsección, un "veterano de guerra militar" es cualquier persona que ha sido dada de baja honorablemente de las fuerzas armadas de los Estados Unidos, que era residente de Nuevo México en el momento original de la entrada en las fuerzas armadas o que ha vivido en Nuevo México durante diez años o más y que ha sido galardonado con una medalla de servicio del suroeste de Asia, medalla de servicio de guerra global contra el terrorismo, medalla de campaña de Irak, medalla de campaña de Afganistán o cualquier otra medalla emitida por servicio en las fuerzas armadas de este país en apoyo de cualquier campaña militar o conflicto armado de los Estados Unidos según lo definido por el Congreso o por orden ejecutiva presidencial o cualquier otra medalla de campaña emitida para el servicio después del 1 de agosto, 1990 en las fuerzas armadas de los Estados Unidos durante períodos de conflicto armado según lo definido por el Congreso o por orden ejecutiva.

H. Nada en esta sección prohíbe que el estado gaste fondos o recursos estatales con el propósito de proporcionar servicios esenciales principalmente para fines residenciales si la asistencia se otorga de conformidad con la legislación general de implementación aprobada por un voto mayoritario de los elegidos para cada cámara

de la legislatura. La legislación de aplicación establecerá la accesibilidad a los servicios esenciales principalmente para fines residenciales e incluirá salvaguardias para proteger el dinero público y otros recursos públicos utilizados para los fines autorizados en esta subsección. Tal como se utiliza en esta subsección, "servicios esenciales" significa infraestructura que permite Internet, energía, agua, aguas residuales u otros servicios similares según lo dispuesto por la ley. "

SECCIÓN 2. La enmienda propuesta por esta resolución será sometida al pueblo para su aprobación o rechazo en las próximas elecciones generales o en cualquier elección especial anterior a esa fecha que pueda convocarse al efecto.

Enmienda Constitucional 3

SE PROPONE ENMENDAR EL ARTÍCULO 6, SECCIÓN 35 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER QUE UN JUEZ DESIGNADO SIRVA POR LO MENOS UN AÑO ANTES DE QUE SE ADMINISTRE UNA ELECCIÓN GENERAL PARA EL CARGO AL QUE EL JUEZ FUE DESIGNADO.

A favor: _____ En contra: _____

Propósito

La Enmienda Constitucional 3 propone un cambio substancial al Artículo 6, Sección 35 de la Constitución de Nuevo México. Substancialmente, la Enmienda Constitucional 3 propone demorar la elección general para un puesto al que un juez está designado hasta que ese juez haya servido en la cámara para un año después de su designación por el gobernador. Técnicamente,

esta enmienda constitucional propone usar lenguaje de género neutro en el Artículo 6, Sección 35, i.e. cambiar “his application” (aplicación sometida por un hombre) a “the application” (la aplicación) y el término “chairman” (el presidente, masculino) a “chair” (presidente, género neutro), y también reemplaza el término “committee” (comité) con el término “commission” (comisión) en varias instancias para mantener consistencia.

Argumentos a favor

1. Permite al público evaluar a un candidato designado sobre los méritos antes de la elección.

En todo Nuevo México, el público ha expresado su deseo de aumentar la transparencia en el gobierno. La Enmienda Constitucional 3 proporciona una transparencia diferente: la de la capacidad de evaluar a un candidato para un puesto judicial antes de elegir a un candidato. Los votantes pueden enfrentar dificultades para estar informados sobre los candidatos y la información relevante. Si se adopta la enmienda propuesta, los candidatos designados para ocupar un puesto judicial tendrán al menos un año para servir en el tribunal antes de enfrentar una elección general. Los candidatos designados que de otro modo no tengan experiencia judicial no solo tendrán tiempo para perfeccionar sus habilidades judiciales, sino que el público podrá observar mejor su conducta como jueces. Armados con el registro de desempeño, los votantes podrán tomar una decisión más informada sobre si votar a favor o en contra del designado en las elecciones generales. Idealmente, esto resultará en un público que tenga más conocimiento de los candidatos que fueron nombrados en el momento en que esos candidatos se enfrentan a la elección.

2. Posibilita un mayor acceso de los candidatos judiciales a la financiación pública.

Los candidatos judiciales están autorizados a acceder a financiamiento público para las elecciones de conformidad con la Ley de Acción Electoral. Cuando una persona designada

judicialmente debe postularse para el cargo en una elección partidista poco después de ser nombrada, los plazos para cumplir con la Ley de Acción Electoral se comprimen y, dependiendo del tiempo entre el nombramiento y la elección, es posible que la persona designada no pueda cumplir con los plazos para calificar para el financiamiento público. Un propósito de incluir a los candidatos judiciales en la Ley de Acción Electoral es eliminar la influencia del gran dinero de las elecciones judiciales, asegurando un poder judicial independiente. Sin embargo, este propósito se anula cuando los jueces designados no pueden calificar para el financiamiento público porque los plazos no se pueden cumplir debido al momento del nombramiento y la elección. Exigir que la elección se lleve a cabo al menos un año después del nombramiento proporciona tiempo suficiente para que un juez designado cumpla con los plazos de la Ley de Acción Electoral y califique para el financiamiento público disponible.

3. Ayuda con el reclutamiento y la diversidad para los jueces.
Permitir que un juez designado sirva en el puesto durante al menos un año antes de tener que postularse para el puesto en una elección partidista ayudará con el reclutamiento de solicitantes calificados y diversos para el cargo de juez. Bajo el lenguaje actual del Artículo 6, Sección 35, el cargo estará sujeto a elección en las próximas elecciones generales, que pueden ser solo un par de meses después del nombramiento. Muchas personas no están dispuestas a aceptar un nombramiento para un cargo de juez si tienen que, por ejemplo, cerrar una práctica privada y terminar las relaciones con los clientes sin alguna garantía de estar en el puesto a largo plazo. La aprobación de esta enmienda propuesta garantizaría a la persona designada al menos un año en el cargo antes de tener que postularse para el cargo. Esto puede ser particularmente beneficioso para los abogados que trabajan en la práctica privada que de otra manera no podrían optar por buscar puestos judiciales, ya que estos abogados pueden ser profesionales en solitario y pueden tener dificultades para justificar la búsqueda de un nombramiento si pueden servir por un corto tiempo.

Argumentos en contra

1. Retrasar las elecciones puede tener consecuencias no deseadas.
Podría haber consecuencias no deseadas si una elección para llenar la vacante no tiene lugar hasta la primera elección general después de un año después del nombramiento. Por ejemplo, dependiendo de cuándo se cree una vacante y cuando se haga el nombramiento para llenar la vacante, la persona designada podría servir hasta tres años en el cargo antes de que se celebren las elecciones generales. Alternativamente, debido a que la persona que gana la elección sirve el resto del período que está vigente en el momento de la elección, si ese período expirara en diciembre del mismo año en que se lleva a cabo la elección, se podría crear un escenario en el que la persona que gana la elección solo sirve unas pocas semanas antes de que el período termine al final del año, creando una nueva vacante en el cargo que luego tendría que ser ocupada por el gobernador. Además, una persona que compite contra un juez designado en las elecciones generales puede verse perjudicada por el hecho de que la persona designada tenga más experiencia en el cargo antes de la elección. El juez designado puede tener un mayor reconocimiento de nombre, un historial de desempeño conocido por el electorado y el beneficio de ser el titular en virtud de haber sido designado para llenar la vacante en el cargo, que normalmente no estaría presente en una carrera judicial partidista.

2. No está claro si el nuevo lenguaje se aplica a jueces que no sean jueces de apelación.
El Artículo 6, Sección 35 de la Constitución de Nuevo México crea la Comisión de Nominación de Jueces de Apelación, mientras que el Artículo 6, Sección 36 y el Artículo 6, Sección 37 crean el Comité de Nominación de Jueces de Tribunales de Distrito y el Comité de Nominación de Jueces de la Corte Metropolitana, respectivamente. Tanto la Sección 36 como la Sección 37 establecen que "todas y cada una de las disposiciones de la Sección 35 del Artículo 6 de esta Constitución se aplicarán" al respectivo comité de nominaciones; sin embargo, no está claro que el texto enmiendatorio propuesto al

artículo 35, que dispone que un juez preste servicios al menos un año antes de que se celebren elecciones generales para el cargo para el que fue nombrado el juez, se aplique igualmente a los jueces de los tribunales de distrito y a los jueces de los tribunales metropolitanos. Esto se debe a que el texto modificatorio propuesto para el artículo 35 no está directamente relacionado con las funciones de los respectivos comités de nominaciones, sino más bien con el momento en que se lleva a cabo una elección después de que se realiza un nombramiento para llenar una vacante. Esta ambigüedad podría dar lugar a litigios sobre la aplicación del lenguaje modificatorio a los jueces de los tribunales de distrito y de los tribunales metropolitanos.

3. Elimina una decisión inherentemente política del proceso político por un período más largo de lo que la Constitución de Nuevo México establece actualmente.

Un problema potencial en esta enmienda propuesta es su objetivo político de reducir la naturaleza partidista de un proceso político inherentemente partidista, al tiempo que aumenta potencialmente la división partidista. El Artículo 6, Sección 35 de la Constitución de Nuevo México requiere la diversidad de "partidos políticos mayoritarios" y los intereses del estado con respecto a los miembros de la Comisión de Nominación de Jueces de Apelación que recomiendan nombramientos. Además, el Artículo 6, Sección 35 establece que la Comisión de Nominación de Jueces de Apelación recomienda candidatos para el nombramiento del gobernador, pero el gobernador finalmente nombra a un sucesor en caso de una vacante. Los candidatos judiciales designados por el gobernador se enfrentan a la reelección en las próximas elecciones. Por lo tanto, implícito en la Sección 35 es un proceso que es de naturaleza política, uno que depende del partidismo, la decisión de un gobernador, que generalmente representa a un partido político mayoritario y, en última instancia, la voz del electorado. Sin embargo, esta enmienda requeriría que el público se abstenga de participar en el proceso político durante un año, como mínimo, antes de que ese candidato designado se enfrente al proceso electivo. Es previsible que el público pueda, en última instancia, asociar su opinión sobre el juez designado menos en los méritos del

juez como se muestra en el año o más de servicio en el tribunal, y en su lugar recurrir a las posiciones partidistas del gobernador que nombró al juez. Esto puede politizar aún más lo que se suponía que era un nombramiento para abordar una vacante. Justificado por una política aparentemente dirigida a aumentar los candidatos de intereses privados y resultados que son aparentemente especulativos, si no completamente aspiracionales, es cuestionable si esto supera el interés del público de proporcionar un voto rápido sobre lo que se pretendía abordar una mera vacante.

Fuente:
https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Constitutional_Amendment/Constitutional_Amendments_2022.pdf

Nota:
***Material subrayado** = nuevo lenguaje propuesto para la inserción*
[Material entre corchetes] = texto existente propuesto para su supresión

Texto íntegro de la legislación

RESOLUCIÓN CONJUNTA DEL SENADO 3 - Propuesta Enmienda Constitucional 3

SE PROPONE ENMENDAR EL ARTÍCULO 6, SECCIÓN 35 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER QUE UN JUEZ DESIGNADO SIRVA POR LO MENOS UN AÑO ANTES DE QUE SE ADMINISTRE UNA ELECCIÓN GENERAL PARA EL CARGO AL QUE EL JUEZ FUE DESIGNADO.

SECCIÓN 1. Se propone enmendar el Artículo 6, Sección 35 de la Constitución de Nuevo México para que diga:

"Se crea la "comisión de nominación de jueces de apelación", integrada por: el presidente del tribunal supremo o la persona designada por el presidente del tribunal supremo; dos magistrados del tribunal de apelaciones nombrados por el magistrado principal del tribunal de apelaciones; el gobernador, el

presidente de la Cámara de Representantes y el presidente pro tempore del Senado designarán cada uno a dos personas, una de las cuales será un abogado con licencia para ejercer la abogacía en este estado y la otra que será un ciudadano que no tiene licencia para ejercer la abogacía en ningún estado; el decano de la facultad de derecho de la Universidad de Nuevo México, que se desempeñará como presidente de la comisión y votará solo en caso de empate; cuatro miembros del Colegio de Abogados del estado de Nuevo México, que representan el enjuiciamiento y la defensa civil y penal, nombrados por el presidente del Colegio de Abogados del Estado y los jueces de [~~este comité~~] la comisión . Los nombramientos se harán de tal manera que cada uno de los dos partidos políticos principales más grandes, según lo definido por el Código Electoral, esté igualmente representado en la comisión. Si es necesario, el presidente del Colegio de Abogados del Estado y los jueces de [~~este comité~~] de la comisión harán el número mínimo de nombramientos adicionales de los miembros del Colegio de Abogados del Estado que sea necesario para que cada uno de los dos partidos políticos principales más grandes esté igualmente representado en la comisión. Estos miembros adicionales de la barra estatal serán nombrados de tal manera que los diversos intereses de la barra estatal estén representados. El decano de la facultad de derecho de la Universidad de Nuevo México será el árbitro final de si se representan intereses tan diversos. Los miembros de la comisión serán nombrados por los términos que disponga la ley. Si un puesto en la comisión queda vacante por cualquier motivo, el sucesor será seleccionado por la autoridad nominadora original de la misma manera que se hizo el nombramiento original y ejercerá sus funciones por el resto del período vacante.

La comisión solicitará, aceptará y evaluará activamente las solicitudes de abogados calificados para el cargo de juez de la corte suprema o juez de la corte de apelaciones y podrá requerir que el solicitante presente cualquier información que considere relevante para la consideración de [~~su~~] solicitud.

Cuando se produzca una vacante efectiva en el cargo de magistrado de la Corte Suprema o en el juez de la Corte de Apelaciones, la comisión se reunirá dentro de los treinta días y dentro de ese plazo presentará al gobernador los nombres de las

personas calificadas para el cargo judicial y recomendadas para su nombramiento en ese cargo por mayoría de la comisión.

Inmediatamente después de recibir las nominaciones de la comisión, el gobernador puede hacer una solicitud de la comisión para la presentación de nombres adicionales, y la comisión presentará sin demora dichos nombres adicionales si la mayoría de la comisión considera que otras personas estarían calificadas y recomienda a esas personas para su nombramiento en la oficina judicial. El gobernador llenará una vacante o nombrará a un sucesor para llenar una vacante inminente en el cargo de juez de la corte suprema o juez de la corte de apelaciones dentro de los treinta días posteriores a la recepción de las nominaciones finales de la comisión mediante el nombramiento de una de las personas nominadas por la comisión para su nombramiento en ese cargo. Si el gobernador no hace el nombramiento dentro de ese período o a partir de esas nominaciones, el nombramiento se hará a partir de esas nominaciones por el presidente del tribunal o el presidente interino del tribunal supremo. [~~Cualquiera~~] La persona designada prestará servicios hasta la [~~próxima~~] primera elección general [~~de esa persona~~] siguiente un año después de su nombramiento. El sucesor de la persona designada será elegido en dicha elección y ocupará el cargo hasta la expiración del mandato [~~original~~] vigente en el momento de la elección".

SECCIÓN 2. La enmienda propuesta por esta resolución será sometida al pueblo para su aprobación o rechazo en las próximas elecciones generales o en cualquier elección especial anterior a esa fecha que pueda convocarse al efecto.

Propuesta: Bonos de Obligación General

Las siguientes tres preguntas de bonos de obligación general aparecerán en todas las boletas para las Elecciones Generales del 8 de noviembre de 2022:

Pregunta de bonos 1:

La Ley de Bonos de Obligación General de Proyectos de Capital de 2022 autoriza la emisión y venta de bonos para la mejora de instalaciones, construcción y la adquisición de equipos para personas de edad avanzada. ¿Estará el estado autorizado a emitir bonos de obligación general por una cantidad que no exceda los veinticuatro millones, cuatrocientos setenta mil dólares ($24,470,000) para realizar gastos de capital para ciertos proyectos de mejora de instalaciones, construcción y adquisición de equipo para personas de edad avanzada y proveer una imposición general de impuestos sobre la propiedad y recaudar el pago del capital, los intereses y los gastos incurridos en relación con la emisión de los bonos y el cobro del impuesto según lo permitido por la ley?

A favor: _____ En contra: _____

Pregunta de bonos 2:

La Ley de Bonos de Obligación General de Proyectos de Capital de 2022 autoriza la emisión y venta de bonos para la adquisición de recursos bibliotecarios. ¿Estará el estado autorizado a emitir bonos de obligación general por una cantidad que no exceda los diecinueve millones doscientos sesenta y seis mil dólares

($19,266,000) para realizar gastos de capital para la adquisición de recursos para bibliotecas académicas, de escuelas públicas, tribales y públicas y proveer una imposición general de impuestos sobre la propiedad y recaudar el pago del capital, los intereses y los gastos incurridos en relación con la emisión de los bonos y el cobro del impuesto según lo permitido por la ley?

A favor: _____ En contra: _____

Pregunta de bonos 3:

La Ley de Bonos de Obligación General de Proyectos de Capital de 2022 autoriza la emisión y venta de bonos para la adquisición y mejora de escuelas de educación superior, escuelas especiales y escuelas tribales. ¿Estará el estado autorizado a emitir bonos de obligación general por una cantidad que no exceda los doscientos quince millones novecientos ochenta y seis mil dólares ($215,986,000) para realizar gastos de capital para las mejoras y adquisiciones de ciertas escuelas de educación superior, escuelas espaciales y escuelas tribales y proveer una imposición general de impuestos sobre la propiedad y recaudar el pago del capital, los intereses y los gastos incurridos en relación con la emisión de los bonos y el cobro del impuesto según lo permitido por la ley?

A favor: _____ En contra: _____

Explicación de los bonos e impuestos de obligación general

Un bono representa una deuda por dinero prestado por un gobierno para financiar proyectos de mejora de capital. El Estado de Nuevo México promete reembolsar la cantidad prestada, más intereses, durante un período de tiempo por cada serie de bonos de Obligación General que sean aprobados por los votantes. Los bonos se llaman "Obligación General" porque el pago del servicio de la deuda (principal más intereses) es una obligación general del Estado y sus propietarios a través del impuesto a la propiedad.

Según la División de la Junta de Finanzas del Departamento de Finanzas y Administración de NM, la cantidad específica de impuestos a la propiedad recaudados en un año determinado es atribuible a una serie de factores, incluida la cantidad de servicio de la deuda requerida para los bonos de obligaciones generales existentes, el servicio de la deuda proyectado requerido para la nueva emisión de bonos, la última valoración tasada de los bienes sujetos pasivos netos, saldos de efectivo en cuentas de servicio de deuda de bonos, la fecha de emisión y la tasa de interés real obtenida en la venta de bonos.

Proyectos de Bonos de Obligación General 2022 (Proyecto de Ley de la Cámara 153)

La Legislatura de Nuevo México aprobó la Ley de Bonos de Obligación General de Proyectos de Capital de 2022 que detalla los proyectos que serían financiados por estos bonos. No se emitirán ni venderán bonos bajo la ley hasta que los votantes registrados del estado hayan votado y aprobado la emisión de los bonos. Cada pregunta sobre bonos se vota por separado con una pregunta "A favor" o "En contra".

Propósito

Las tres preguntas sobre bonos de 2022 solicitan la aprobación de los votantes para emitir bonos de obligación general de la siguiente manera:

PREGUNTA DE BONOS 1, por un monto que no exceda los $24,470,000 para realizar gastos de capital para ciertos proyectos de mejoramiento de instalaciones, construcción y adquisición de equipos para personas mayores.

Los siguientes proyectos han sido específicamente designados para su financiación mediante la venta de la Emisión de Bonos 1:

Acoma Pueblo Senior Center - Planificar, Diseñar, Construir, Renovar y reemplazar puertas accesibles para sillas de ruedas	$75.000
Centro de Mayores Alcalde - Vehículos	$70.000
Centro de Mayores Alejandro Ruiz en Carlsbad – Reformas	$1,352,442
Centro de Mayores Alejandro Ruiz en Carlsbad – Vehículos	$162,024
Alb. Asuntos para Personas Mayores – Nutrición y Transporte	$375,050
Amalia Senior Center en el condado de Taos: Planificar, Diseñar, Construir, Equipar y Amueblar	$1,450,000
Barelas Senior Center en Alb – Equipo de comidas y otros equipos	$40,141

Centro de Mayores Beatrice Martinez en Española – Vehículos	$90,000
Belen Senior Center – Equipo de comidas y otros equipos	$58,000
Benny J. Chaves ***(también conocido como Chimayo Senior Center)*** – Renovaciones	$500.000
Bernalillo Senior Center – Reformas	$25,810
Bernalillo Senior Center – Vehículos	$30,000
Blanco Senior Center – Equipo de comidas y otros equipos	$24.000
Blanco Senior Center – Vehículos	$55.000
Bloomfield Senior Center – Renovaciones	$35.000
Centro Comunitario Bosque Farms - Vehículos	$55.000
Broadmoor Senior Center en Rio Rancho – Planificar, Diseñar, Constir, Equipar y Amueblar	$774,569
Carrizozo Senior Center – Vehículos	$48,429
Capitan Senior Center – Vehículos	$34,284
Chama Senior Center – Diseñar	$75.000
Centro de Adultos Mayores Chimayo La Arboleda – Vehículos	$70.000
Chimayo Senior Center ***(también conocido como Benny J. Chavez Comm. Center)*** del Condado de Santa Fe – Renovaciones	$500.000
Corona Senior Center – Vehículos	$34,284
Coyote Senior Center – Vehículos	$70.000
Del Rio Senior Center en el Condado de Valencia – Planificar, Diseñar, Construir, Equipar y Amueblar	$460,000
Del Rio Senior Center en el Condado de Valencia – Equipo de Comidas y otros Equipos	$58,000
Deming Senior Center – Renovaciones	$57,579
Centro de Mayores en Española – Vehículos	$70.000
Estancia Senior Center - Renovaciones	$169,621
Fort Sumner Senior Center – Planear y Diseñar	$75.000
Fort Sumner Senior Center – Vehículos	$50,000
Frank O'Brien Papen Comm. Center en Las Cruces – Renovaciones	$35.000
Gallup Senior Center – Planear, Diseñar, Const. & Equip.	$5.415.300
Gallup Senior Center – Vehículos	$7 6,000
Gila Senior Center – Vehículos	$38,200
Glenwood Senior Center – Renovaciones	$90.000
Glenwood Senior Center - Vehículos	$52.000
Highland Senior Center en Alb - Renovaciones	$353,358

Hobbs Senior Center – Vehículos	$60,500
Hondo Senior Center-Vehículos	$30,000
Laguna Senior Center – Planificar, Diseñar, Const. & Equip.	$123.000
La Casa Senior Center – Mejoras, Instalación de Equipos y Sistemas de Construcción	$43,500
Las Vegas Senior Center – Equipo de comidas y otros equipos	$130.000
Las Vegas Senior Center – Vehículos	$140.000
Logan Senior Center – Renovaciones y equipos	$62,262
Lower Valley Senior Center - Equipo de comidas y otros equipos	$24.000
María Esther Gonzales Sr. Center en Santa Fe – Equipos de comidas y otros equipos	$235,630
Meadow Lake Senior Center en el Condado de Valencia - Equipo de comidas y otros equipos	$73.000
Meadowlark Senior Center en Rio Rancho – Renovaciones	$226,474
Mimbres Senior Center – Vehículos	$38,200
Moriarty Senior Center – Planear y Diseñar	$53,599
Mountainair Senior Center – Renovaciones y Equip.	$158,861
North Valley Senior Center en Alb – Renovaciones	$2,971,442
Palo Duro Senior Center en Alb – Renovaciones	$1,000,000
Pasatiempo Senior Center en Santa Fe – Equipo de Comidas y otros Equipos	$65,805
Centro Comunitario Pena Blanca – Vehículos	$30,208
Pojoaque Pueblo Senior Center – Planificar, Diseñar, Construir y Renovar	$100,000
Pueblo of Taos Senior Daycare Facility ***(Senior Daycare Facility NUEVO)*** – Construir y Equip.	$822.000
Quemado Senior Center – Equipo de comidas y otros equipos	$92,500
Questa Senior Center – Planificar, Diseñar, Construir, Equipar y Amueblar	$727,587
Robert P. Munson Senior Center Las Cruces – Diseñar, Construir, Equipar y Amueblar	$666,199
Robert P. Munson Senior Center Las Cruces – Vehículos	$110.000
Raymond G. Sanchez Senior Center – Renovaciones	$235.000
Reserve Senior Center - Equipo de comidas y otros equipos	$40.000
Reserve Senior Center – Renovaciones	$40,000
Centro Comunitario Ruidoso – Renovaciones	$94,000

Ruidoso Downs Senior Center – Vehículos	$48,429
San Felipe Pueblo Senior Center - Vehículos	$100,000
Santa Clara Pueblo Adult Daycare – Renovaciones	$116,237
Santa Clara Senior Center - Vehículos	$38,2 00
Santa Clara Pueblo Adult Daycare Center – Planificar, diseñar, construir y renovar, incluyendo pisos e iluminación para el Pueblo de Santa Clara en el Condado de Rio Arriba	$500,00
Santa Cruz Senior Center – Planificar, Diseñar, Construir, Equipar y Amueblar	$2,041,441
Whispering Pines Senior Center - Renovaciones	$457.000

PREGUNTA DE BONOS 2, por un monto que no exceda de $19,266,000 para realizar gastos de capital para adquisiciones de recursos académicos, de escuelas públicas, tribales y de bibliotecas públicas.

Departamento de Asuntos Culturales: (a) seis millones de dólares ($6,000,000) para equipo, mobiliario de biblioteca, accesorios y adquisiciones de recursos bibliotecarios suplementarios, incluidos recursos impresos, no impresos y electrónicos, recursos bibliotecarios colaborativos y proyectos de tecnología de la información, y para la compra e instalación de equipo e infraestructura de Internet de banda ancha en bibliotecas públicas no tribales de todo el estado; y b) un millón de dólares ($1,000,000) para equipo, mobiliario de biblioteca, accesorios y adquisiciones de recursos suplementarios de biblioteca, incluidos recursos impresos, no impresos y electrónicos, recursos bibliotecarios de colaboración y proyectos de tecnología de la información, y para la compra e instalación de equipo e infraestructura de Internet de banda ancha en bibliotecas tribales de todo el estado.

Departamento de Educación Avanzada: seis millones de dólares ($6,000,000) para adquisiciones suplementarias de recursos bibliotecarios, incluidos libros, equipos, recursos electrónicos, recursos bibliotecarios colaborativos y proyectos de tecnología de la información, para bibliotecas académicas en todo el estado.

Public Education Department: seis millones de dólares ($ 6,000,000) para adquisiciones de equipos y recursos bibliotecarios suplementarios, incluidos recursos impresos, no impresos y electrónicos, en bibliotecas de escuelas públicas en todo el estado.

PREGUNTA DE BONOS 3, por un monto que no exceda los $215,986,000 para realizar gastos de capital para ciertas mejoras y adquisiciones de capital de educación superior, escuelas especiales y escuelas tribales.

La siguiente educación superior, escuelas especiales y escuelas tribales han sido específicamente designadas para su financiación mediante la venta del Bono 3:

Clovis Comm. College – Planear, Diseñar, Mejoras de Infraestructura	$1,685,000
CNMCC – Planificar, Diseñar, Construir, Amueblar, Equipar, Oficios e Instalación de Tecnologías Aplicadas	$15,000,000
Dine College Shiprock - Planificar, diseñar, construir, amueblar y equipar las instalaciones de servicios estudiantiles	$5,0 00,000
ENMU Roswell – Planificar, Diseñar, Construir y Renovar, Centro de Educación Física, Artes y Ciencias	$2,475,000
ENMU – Planificar, Diseñar, Construir, Amueblar y Equipar los Servicios Académicos para Estudiantes	$9,000,000
Luna Comm. College - Planificar, Diseñar, Construir, Amueblar y Equipar Mejoras de Infraestructura	$1,500,000
Navajo Technical Univ. – Planificar, Diseñar, Construir, Amueblar y Equipar un Edificio de Oficios	$4,00,000
NM Highlands Univ. – Planificar, diseñar, construir, amueblar y equipar un edificio de instalaciones	$4,500,000
NM IInstituto de Minería y Tecnología. – Planificar, diseñar, construir, amueblar y equipar mejoras en el Centro de Formación e Investigación de Playas	$5,000,000
NM Institute of Mining & Tech. – Planificar, Diseñar, Construir, Amueblar y Equipar a Kelly Hall	$3,300,000
NM Junior College – Planificar, Diseñar, Construir, Amueblar y Equipar un Edificio de Oficios Vocacionales	$2,100,000
NM Military Institute en Roswell - Planificar, diseñar, construir, amueblar y equipar a una expansión de Bates Hall	$4,000,000

NM School for the Blind & Visually Impaired – Planificar, Diseñar, Construir, Amueblar y Equipar una Cabaña Residencial	$4,000,000
NM School for the Deaf in Alb - Planificar, Diseñar, Construir, Amueblar y Equipar	$1,400,000
NMSU Las Cruces - Planificar, diseñar, construir, amueblar y equipar una instalación de ingeniería universitaria que incluye la demolición de Thomas & Brown Hall	$22,500,000
NMSU Las Cruces - Planificar, Diseñar, Construir, Amueblar y Equipar el Edificio de Ciencias de la Salud y O'Donnell Hall	$13,500,000
NMSU Las Cruces - Planificar, Diseñar, Construir, Amueblar y Equipar la Escuela de Enfermería y Centro de Simulación en el Edificio de Salud y Servicios Sociales.	$2,000,000
NMSU Las Cruces - Planificar, diseñar, construir, amueblar y equipar, incluida la reducción y demolición, el Edificio del Departamento de Agricultura de NM.	$10,500,000
NMU Dona Ana - Planificar, Diseñar, Construir, Renovar y Equipar La Infraestructura De Mejora. y Reemplazo de Techo	$1,350,000
NMU Grants - Planificar, diseñar, construir, renovar y equipar la improvisación de infraestructura. Incluyendo el reemplazo del techo de Martinez Hall	$1,250,000
Northern NM State School Espanola – Planificar, diseñar, construir y reparar la mejoramiento de infraestructura.	$3,000,000
San Juan College - Planificar, Diseñar, Construir, Amueblar y Equipar Tecnología de la Información. Infraestructura	$3,000,000
Santa Fe Comm. College - Planificar, Diseñar, Construir, Renovar y Equipar Infraestructura de Tecnología de la Información	$2,300,000
UNM Alb – Planificar, Diseñar, Construir, Amueblar y equipar un nuevo centro de Arte y Tecnología Colaborativa.	$45,000,000
UNM Alb – Planificar, Diseñar, Construir, Renovar, Amueblar y Equipar un Centro Psiquiátrico Infantil para el Centro de Ciencias de la Salud	$36,000,000
UNM Gallup – Planificar, Diseñar, Construir, Renovar y Equipar la Mejora de infraestructura a Gurley Hall	$3,000,000
UNM Los Alamos - Planificar, Diseñar, Construir, Renovar, Amueblar y Equipar La Mejora de la Infraestructura.	$1,300,000
UNM Taos – Planificar, Diseñar, Construir, Renovar, Amueblar y Equipar Renovaciones y adición a Fred Peralta Hall	$3,000,000
UNM Valencia - Planificar, diseñar, construir, renovar, amueblar y mejorar, incluido el reemplazo del techo y la instalación de paneles	$900,000

solares en el Centro de recursos de Learning Commons	
Western UNM Deming – Planificar, Diseñar, Construir, Amueblar y Equipar un Centro de Aprendizaje de Deming	$2,000,000
Western NMU Silver City – Planificar, diseñar, construir, renovar, amueblar y equipar la mejora de la infraestructura Incluyendo mejoras en las carreteras	$2,000,000

Implicaciones fiscales

Sobre la base de la suposición de que las tres preguntas de bonos descritas a serán aprobadas por los votantes, el gravamen del impuesto a la propiedad 2021 mil se ha establecido en 1.36 mils, que es lo mismo que las tasas de 2019 y 2020. La Junta Estatal de Finanzas estima que si las tres preguntas sobre bonos son aprobadas por los votantes, el costo de pagar los bonos durante un período de diez años sería de aproximadamente $11.13 por cada $ 100,000 de valor de activos por año. Del promedio anual de $11.13, la Pregunta de Bonos 1 representa $1.05, la Pregunta de Bonos 2 representa $0.82 y la Pregunta de Bonos 3 representa $9.26.

El total de las tres preguntas, incluidos los costos de emisión de bonos, es **de $259,722,000.**

Un desglose completo de los proyectos designados bajo cada emisión de bonos se puede encontrar en el sitio web de la Legislatura de Nuevo México:
https://nmlegis.gov/Sessions/22%20Regular/final/HB0153.pdf

Fuente: Departamento de Finanzas y Administración de NM.

Recursos adicionales

Se puede encontrar información adicional sobre las enmiendas constitucionales propuestas y los bonos de obligación general en los siguientes sitios:

Resolución Conjunta de la Cámara 1 - Enmienda Constitucional 1:
https://www.nmlegis.gov/Sessions/21%20Regular/final/HJR01.pdf

Resolución Conjunta de la Cámara 1 – Enmienda Constitucional 2:
https://www.nmlegis.gov/Sessions/22%20Regular/final/HJR01.pdf

Resolución Conjunta del Senado – Enmienda 3 de la Constitución:
https://www.nmlegis.gov/Sessions/22%20Regular/final/SJR03.pdf

Proyecto de Ley de la Cámara 153 – Bonos de Obligación General:
https://www.nmlegis.gov/Sessions/22%20Regular/final/HB0153.pdf

Tabla de Proyectos de Bonos de Obligación General por Condado:
https://www.nmlegis.gov/Publications/Capital_Outlay/HTRC%20SUB%20HB153%20Projects%20by%20County%20with%20Governors%20Actions,%202022.pdf

La Liga de Mujeres Votantes de Nuevo México:
www.lwvnmlorg (en inglés)

La Oficina del Secretario de Estado de Nuevo México:
www.sos.state.nm.us

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

October 20, 2022

Re: **Guidance on Conduct at the Polls**

Dear County Clerks:

Given the recent concerns about the possibility of unauthorized individuals at the polls and possible voter intimidation or disruption at the polls on Election Day, the Office of the Secretary of State is providing additional guidance to county clerk offices. Please share this information with your poll officials and local law enforcement personnel.

Voter intimidation and discriminatory conduct, as well as obstruction or interference at the polls, is illegal under federal and New Mexico law. Any activity that threatens, harasses, or intimidates voters, including any activity that is intended to, or has the effect of, interfering with any voter's right to vote, whether it occurs outside the polling place or inside the polling place, is illegal.

Permitted Persons

The following persons are permitted in the polling place while voting is occurring:

1. Precinct board members.
2. Voters in the process of voting.
3. Persons who are lawfully providing assistance to voters.
4. Poll watchers and observers with proper credentials.
5. Challengers with proper credentials.
6. State police or other peace officers, under the conditions described below.

Self-appointed watchers, such as private citizens or those sent by a political party, are not allowed to linger in the polling location and could easily present a disruption. All authorized watchers and observers must have an authorization letter from the Secretary of State or US State Department and should be issued a name badge by the presiding judge. Authorized watchers or observers may not directly confront voters. They also may not use raised voices, nor should they use insulting, offensive, or threatening language. Although NM Election Laws do not address concealed carrying at polling locations, there are other portions of state law that do (Refer to section 30-7-2.1, NMSA 1978).

Handling of Unauthorized Individuals

The presiding judge should be instructed to ask those not authorized to be present in the polling locations to leave. If an individual is resistant to leaving, the presiding judge should contact law enforcement and the county clerk. The county clerk should also make the Secretary of State's Office aware of any incident or disruption. The Secretary of State's Office can likely provide additional support and resources, as needed, to aid in quickly resolving a disruption.

Law Enforcement

The presence of law enforcement at a polling location is typically not allowed, except upon request, for the purpose of observing the conduct of the election. Additionally, law enforcement may assist in maintaining order and by standing outside the polling place entrance to control the admission of voters to the polling place when requested by the presiding judge or election judge. There are specific penalties in the election code against law enforcement that enter the polls without authorization.

Media

While the NM Election Code does not specifically address media in the polling place, the county clerk or presiding judge may choose to allow media access, as long as it is not interfering with the voting process or compromising the secrecy of the ballot. When the Secretary of State receives calls from the media inquiring about appropriate conduct, we instruct them to check in with the county clerk and presiding judge to find out what may be appropriate at a specific location and to follow all instructions issued.

In preparation for a potential disruption, we also recommend that all clerks provide local law enforcement with a list of polling locations and hours of operation, so that they may easily respond in the event of a disruption.

SOS Voter Hotline

The Secretary of State's Office will operate an Election Day hotline during the hours of voting to assist with voter questions and concerns. The phone number for the hotline is 1-800-477-3632. Upon receiving a complaint regarding conduct at a specific polling location, we will contact the county clerk to make them aware of the situation and offer assistance and guidance on investigating and resolving the problem.

If election officials have additional questions or concerns regarding potential Election Day disruptions, please contact our office for additional assistance. Thanks for all that you do to ensure a safe and secure election.

Maggie Toulouse Oliver
Secretary of State

Mandy Vigil
Elections Director

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

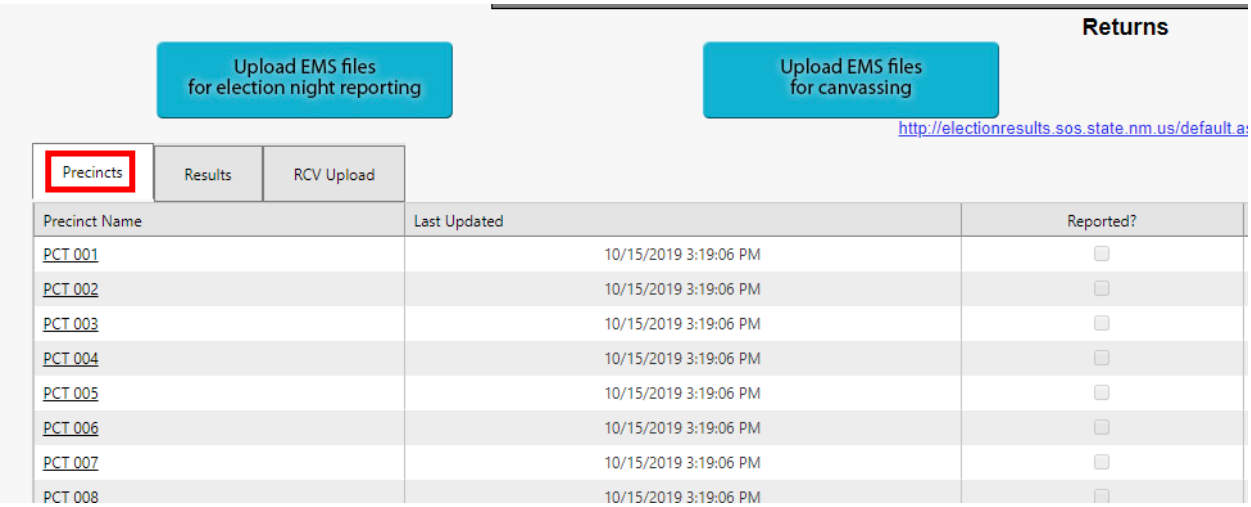
2022 General Election
ENTERING WRITE-IN VOTES INTO SERVIS

Purpose:

In an effort to uniformly administer the 2022 General Election we provide the following guidance on entering write-in votes into SERVIS.

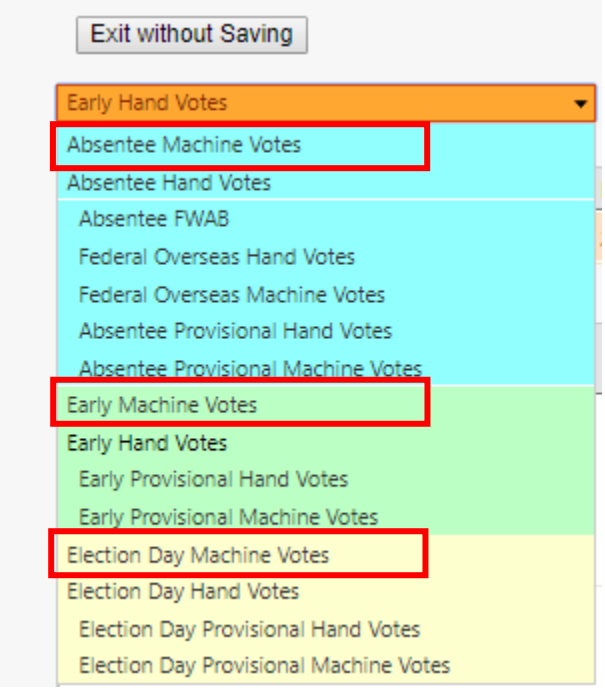
Write-In Votes must be entered by precinct and by counting group.

To enter votes, go to SERVIS > Elections > Returns > Precincts tab > Choose a Precinct by clicking on the "PCT # hyperlink" (Example: PCT 001):

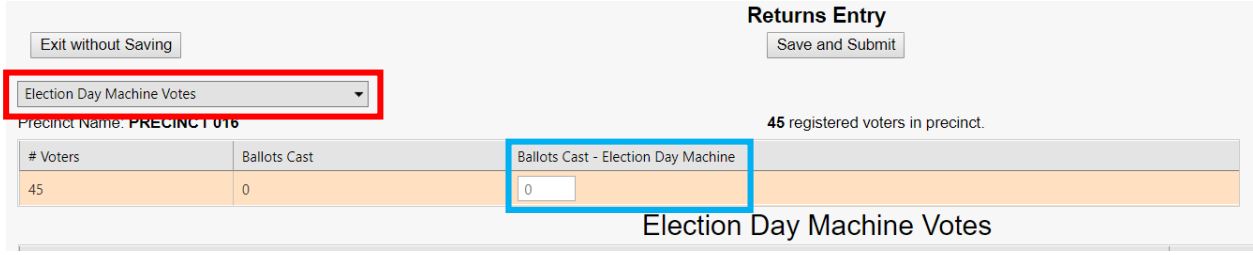


Once you have selected the precinct part, choose a category/bucket from the list below.

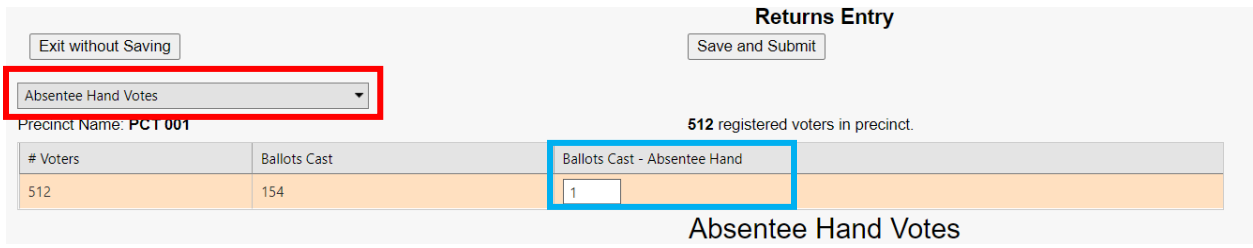
Note: Write-ins should be added under the correct vote categories. (Ballots that were tabulated through machines would be entered into the corresponding machine vote count, while ballots that were tabulated by hand, and included a valid write-in, would be entered into the corresponding hand vote count).



For ballots that were read by the tabulator, do ***NOT*** edit the number in the "Ballots Cast" field (see blue box in example below). These ballots have already been counted, so this number should not increase.



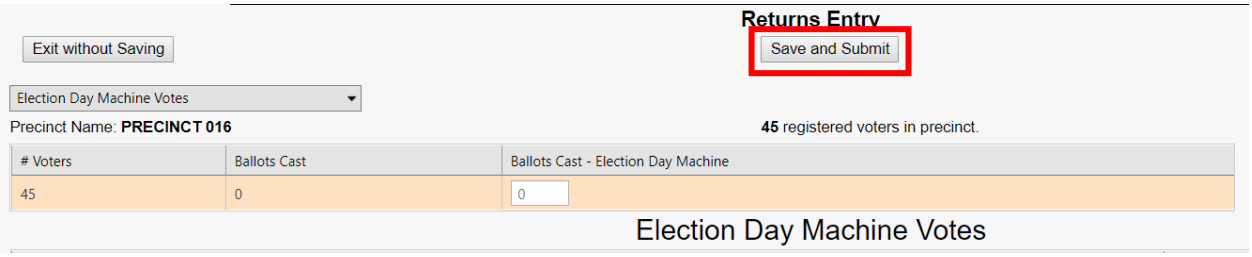
For ballots that were not read by the tabulator (i.e. hand tallied ballots that contain a valid write-in), you ***DO*** need to enter a number in the "Ballots Cast" field. These ballots have not been counted, and the number should increase (see example below):



In either scenario, you will also need to enter the ballots cast in the appropriate write-in race. (Post-election day, all other items will be greyed-out).

SOCORRO SOIL & WATER CONSERVATION BOARD		BRIAN STEPHEN DURKIN	0	0
VALENCIA SOIL & WATER CONSERVATION BOARD		ANDREW B HAUTZINGER (write in)	0	0
SOCORRO SOIL & WATER CONSERVATION BOARD		EDWARD L HARRIS	0	0
VALENCIA SOIL & WATER CONSERVATION		GAIL D GOODMAN	0	0

You will need to save and submit each entry by clicking the save and submit button:



You will need to repeat these steps as many times as necessary – to enter all valid write-ins, by precinct and voting type.

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Tuesday, October 11, 2022 10:42 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: Vigil, Mandy, SOS; Rockstroh, Gregory, SOS; Frostad, Naomba, SOS; Lamb, William, SOS; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] 2022 General Election Information & Reminders (SDR, OVR, Absentee Register, Visually Impaired)
Attachments: 2022 General_Visually Impaired Voting Process.pdf

Good morning,

Here is some information and a few reminders for folks:

- Same Day Registration (SDR): SDR will open at 6:00am and close at 9:00pm every day that SDR takes place (this includes election day). If you encounter any issues, please submit a helpdesk ticket: nmclerks@state.nm.us
- Online Voter Registration (OVR): OVR applications received through 11:59pm today through the online portal should be processed. Anything received after today will be in the queue for processing after books reopen.
- Absentee Register: The absentee register will begin on October 12 (tomorrow). Requestors should complete and submit a voter data request as part of the subscription process. Political parties will receive this data free of charge from the state.
- Visually Impaired Ballots:
    - Applications for visually impaired ballots will appear in the SERVIS home queue as "Online UOCAVA Applications" to process, given that their delivery is electronic (email).
    - Voters who have requested a visually impaired ballot will receive an email with a link to their ballot; the voter will mark their selections and print their ballot to return to the county for processing. Counties will need to mail the voter a set of return envelopes (inner secrecy envelope, outer return envelope – inside of the envelope that is mailed to the voter).
    - Attached is a one-pager for internal use (clerks and their staff).

If you have any clarifying questions or need assistance, let us know: nmclerks@state.nm.us

Have a wonderful rest-of-the-week!

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Visually Impaired Ballot Processing & FAQ

Processing:

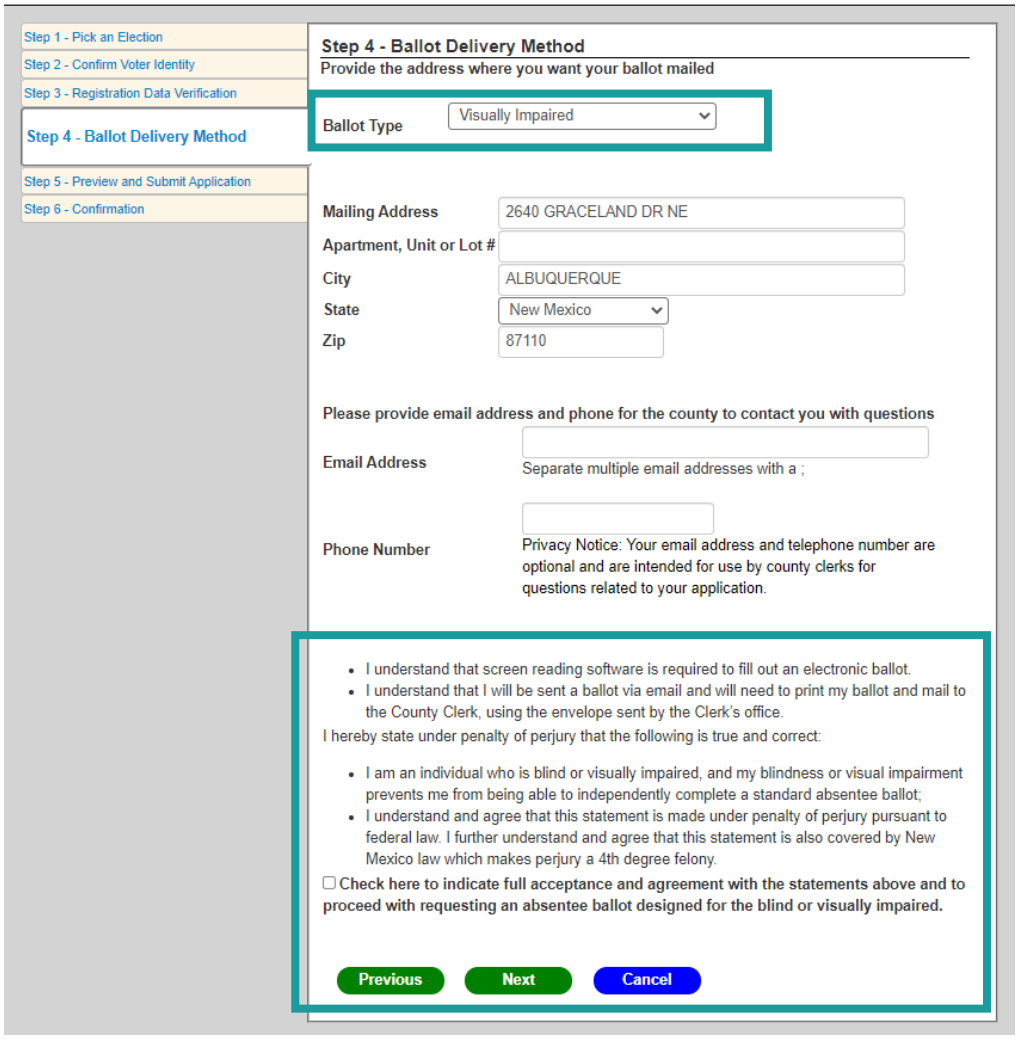
How do voters request visually impaired ballots?

The voter can request a visually impaired absentee ballot using the absentee application portal or the paper form. The online portal is designed to work with screen readers.

Absentee Portal:

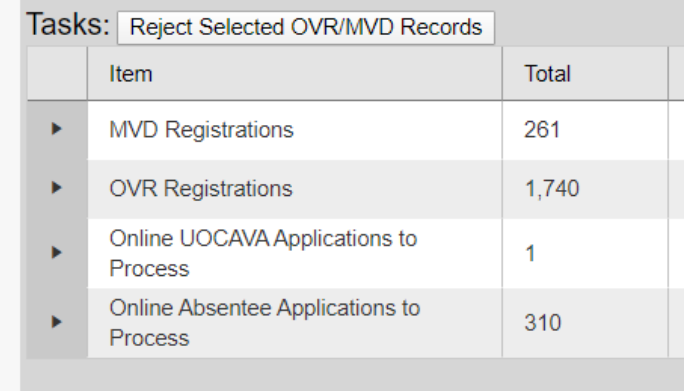
https://portal.sos.state.nm.us/OVR/WebPages/AbsenteeApplication.aspx

In Step 4 – Ballot Delivery Method – the voter selects "Visually Impaired" as the ballot type. Once all appropriate items are entered, the voter must accept and agree to the statement towards the bottom of the page ("Check here to...").

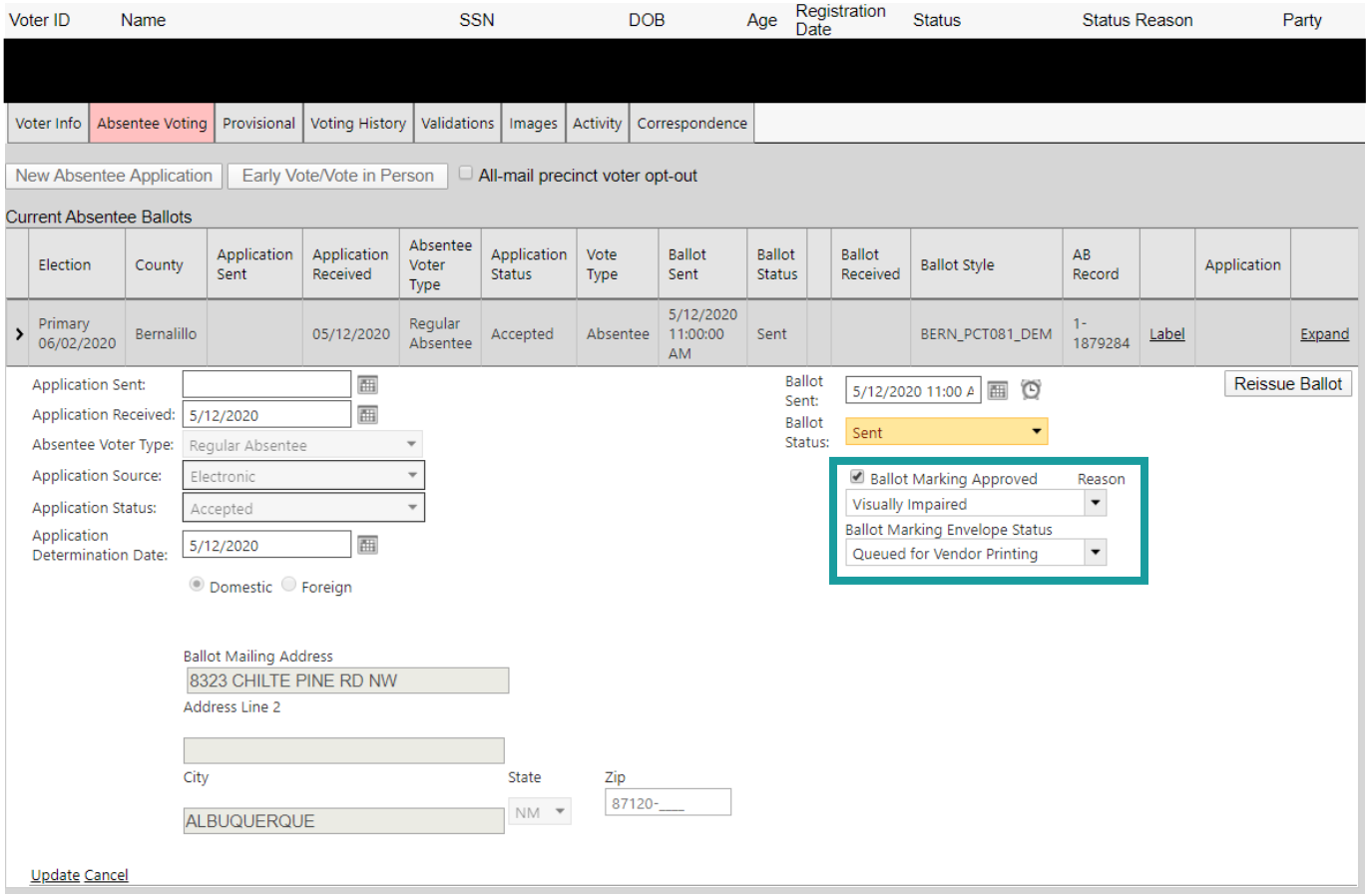


How are visually impaired ballots processed?

The county receives the Absentee application in the SERVIS home queue as **Online UOCAVA Applications** to process, given that their delivery is electronic (email):



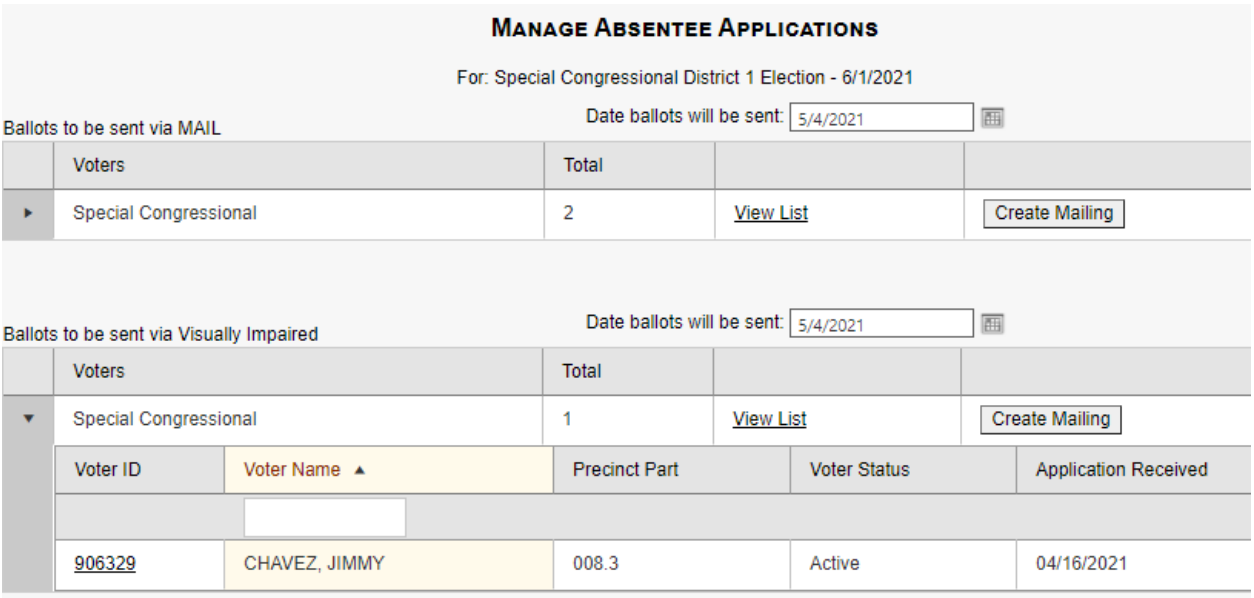
In SERVIS, visually impaired applications look different in that they have ballot marking approved data pre-populated:



Once the absentee application is processed, select "Submit for batch processing later." This ensures the application is queued under the "Manage Absentee Applications" page. Visually impaired ballots have their own queue.

On the 28th day before an election, you can create the mailing. Creating the mailing will queue the ballot to be emailed through a batch process job; these take place every hour on the hour.

Please create the mailing anytime you have a new visually impaired accepted application.



Reminder: **Counties are responsible for sending the voter their return envelopes. Please ensure that you have adequate supplies and mail the voter(s) their envelopes as soon as you send the ballot.**

When the visually impaired ballot is sent, each county will be CC'ed on the email to confirm that the email went out to the voter. If the voter never received this email, you can resend it using the email you received as a CC. Below is a sample of the email text sent to the voter.

SUBJECT: 2022 GENERAL - Official Ballot

Dear NAME OF VOTER, (##########)

We have received and processed your request for an absentee ballot.

Please click on the link below to access your ballot and voter oath.
https://portal.sos.state.nm.us/BallotMarkingTest/Pages/Validate.aspx?ID=5e1c9820-765d-4e1f-bf31-fa53722c7432

You will need to provide the following information:

- Your driver's license number or NM Identification number
- The Last four digits of your social security number
- Your date of birth

We have attached an instruction sheet to this email. Please read the instruction sheet carefully. It will tell you how to mark your ballot and how you can return your ballot and voter oath.

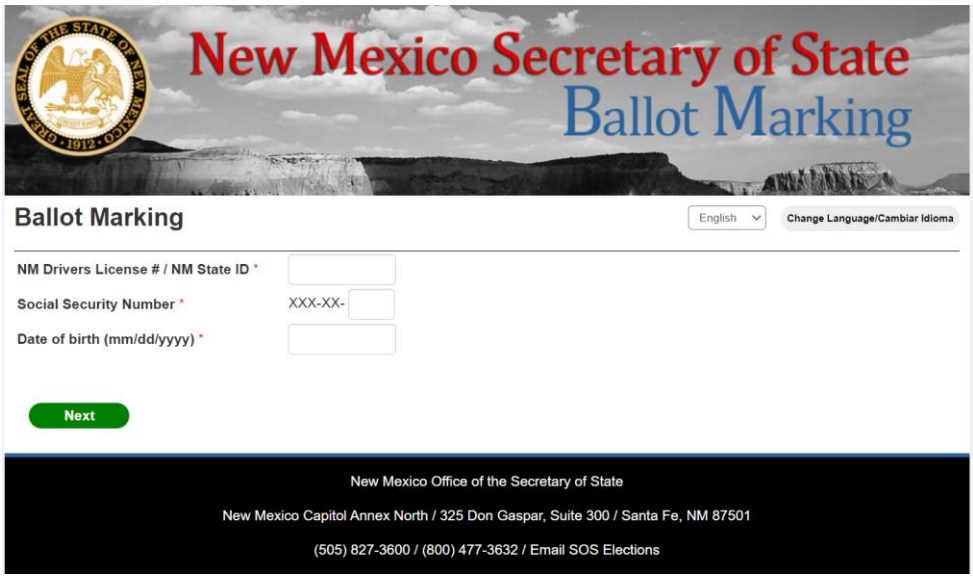
Please Note: Your ballot must be received by the county clerk no later than **7:00 p.m. on Election Day, Tuesday, November 8, 2022**. If you are returning your ballot by mail, please ensure your ballot is mailed by the Tuesday before the election to ensure receipt by the County Clerk.

Thank you for your participation in this election.

If you have any questions, please contact our office at (505) 555-5555 and/or namename@countynm.gov
Sincerely,

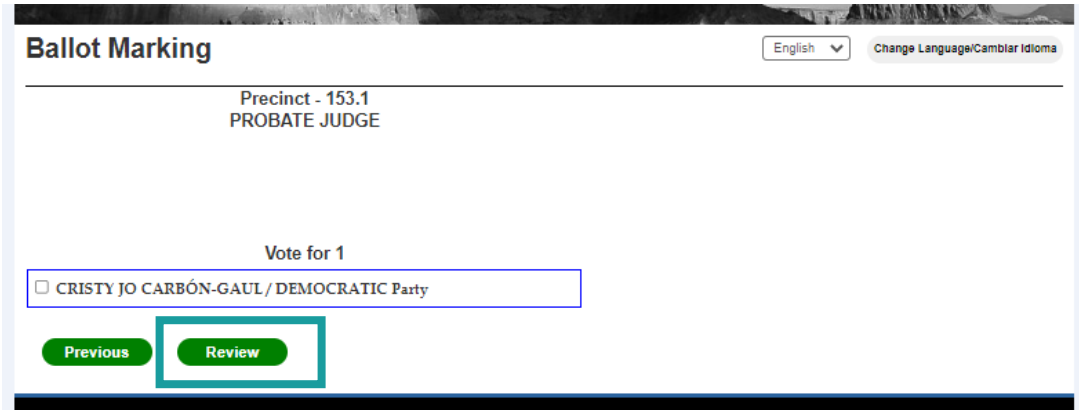
County Clerk

Once the voter receives the email, they will need to click on the link (provided in the email) and enter their NM Driver's License #, Last 4 of SSN, and DOB to retrieve their ballot:

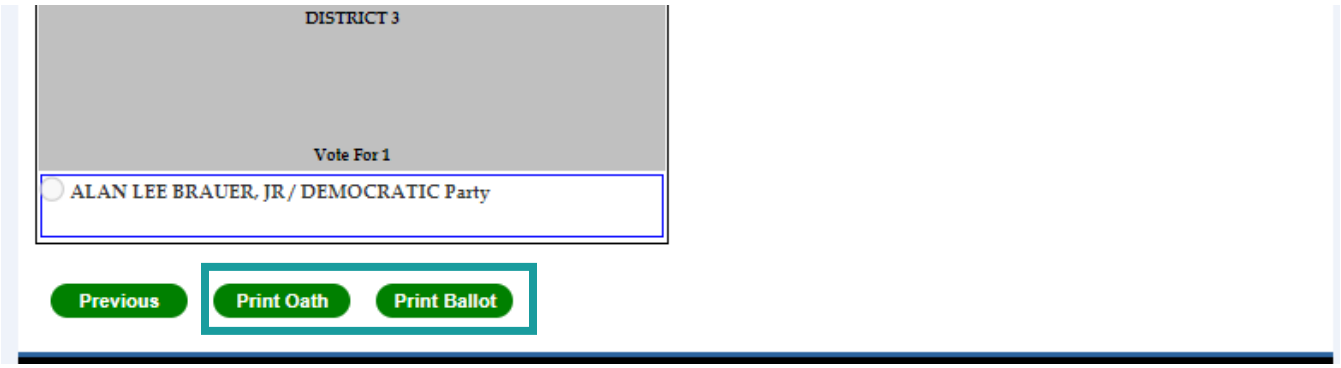


Ballot:

The voter's choices for each contest are based on their ballot style and election type:



Once the ballot is marked, the voter can review their selections. The voter needs to print and sign both the Oath and the ballot:



Here is a sample of the Oath:

OATH OF REGISTERED VOTER

I solemnly (swear)(affirm) I am a registered voter. I will not vote in this election other than by the enclosed ballot. I will not receive or offer compensation or reward for giving or withholding my vote.

Failure to sign this oath will result in your ballot not being counted.

After completing and signing the oath, seal and mail your ballot.

Yo solemnemente (juro) (declaro) que soy un votante registrado. Solo votaré en esta elección en la boleta adjunta. No recibiré ofreceré compensación o recompensa por dar o retener cualquier voto. Si usted no firma este juramento, su boleta no será contada. Después de completar y firmar el juramento, selle y envíe su boleta por correo.

County: BERNALILLO COUNTY

Street Address: [redacted]

City: ALBUQUERQUE

Year of Birth: [redacted]

Last 4 SSN: [redacted]

Printed Name: [redacted]

Signature of Registered Voter:

Frequently Asked Questions

What is a visually impaired ballot?

Visually impaired ballots are designed to be used with screen-reader technology. They were developed through a collaboration with disability rights groups. These ballots are NOT braille, nor are they large print.

What does a voter need to use a visually impaired ballot?

The visually impaired process requires voters to have a screen-reader and a printer for their ballot. The link to fill out a visually impaired ballot is emailed to the voter, but the completed ballot must be physically returned. The ballot cannot be accepted/returned via email. Voters will also need an MVD-issued form of identification to utilize the portal.

How do voters request visually impaired ballots?

The voter can request a visually impaired absentee ballot using the absentee application portal or the paper form. The online portal is designed to work with screen readers.

What if a voter did not receive their ballot?

Unlike UOCAVA, visually impaired ballots are not reissued in SERVIS. Each county will be CC'ed as confirmation that the email went out to the voter. If the county and the voter never received this information, please email us at nmclerks@state.nm.us.

What if a voter did not receive their envelope?
Each county is responsible for sending the return envelopes to voters; please ensure you have adequate supplies to accommodate the anticipated number of requests. If you need to reissue a set of envelopes, please update the absentee record with the date new envelopes are sent.

We received a confusing phone call from a voter who received an empty envelope; how can we assist?
There is still some confusion within the wider community regarding visually impaired ballots. Some voters request these ballots, thinking they are printed in a larger-sized font (which is not the case). Please do your best to educate your constituents. If the voter needs a replacement ballot, send the voter ID number and a brief description of the issue to nmclerks@state.nm.us so we can assist you.

How does a voter change their vote in the visually impaired application?
The application is designed to work to show one contest per page. The voter can navigate by pressing "Next" or "Previous" to get to the desired contest.

How does a voter using the visually impaired ballot vote for a write-in candidate?
The voter should check the box next to a write-in candidate. This will populate a blank free-form box. The voter can then enter their selection in that box.

Where can I find information on visually impaired ballots to help field questions from voters?
Ballot instructions were designed with the help of disability rights groups, who assisted in reviewing the process and providing feedback. Always check to see if the answer can be found in the ballot instructions, which outline each step during the voting process.

We also have resources, including video aides, available on our website:
https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/voters-with-disabilities/
https://www.sos.state.nm.us/voting-and-elections/voters-with-disabilities-faqs/

Does the voter need a specific type or brand of screen reader?
No, the application is designed to work with the most updated version of screen reader technology.

What should we do if the voter experiences a technical difficulty?
For any issues in the application that are not related to the end-user, the clerk's office should inform us at once so we can work on a resolution. You can also provide the voter with our public-facing email address: sos.elections@state.nm.us and main office number: (505) 827-3600, option 2.

What if the voter accidentally requested a visually impaired ballot and now wants a regular ballot?
On behalf of the voter, the clerk's office should send the Voter ID number and a brief description of the issue to the clerk's help desk: nmclerks@state.nm.us so we can assist in updating the transaction in SERVIS.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Sunday, November 20, 2022 4:21 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; francisco.padilla@dominionvoting.com; Rick Sandoval; Ban Trinh
Subject: [EXTERNAL SENDER] 2022 Post Election Machine Check
Attachments: 2022 Post Election Machine Check Calendar.pdf

Dear Clerks,

As you are aware, our state requires that a post-election voting system check take place after each general election. The post-election audit uses a statistical method to check the accuracy of the vote tabulators used during the general election by comparing a hand count of select precincts to the machine tabulated results. The number of voting precincts to be checked is based on the formula set out in 1-14-13.2, NMSA 1978, for federal offices, and statewide elective offices when the winning candidate won by the smallest percentage margin of all candidates for statewide offices in NM.

The random selection of voting precincts to be audited will occur this Tuesday, November 22, 2022, at 10:00 a.m. and will be conducted by an independent accounting firm, Zlotnick & Sandoval, PC. The selection process is public and interested parties may attend in person at the NM State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, NM 87501 – Room 321 or via webcast.

The auditor will notify county clerks of precincts selected to be included in the voting system check via email on November 28, 2022. This notice starts the statutory clock for county offices to complete the machine check. ***Please note,*** participating counties must post notice 3 days in advance of the machine check tasks being conducted and results must be reported back to the auditor within 10 days of receiving notice (December 8). If the precincts are included in a recount, the county clerk shall report the results of the audit within 10 days after the conclusion of the recount.

While we don't know which counties will participate in the post-election audit, our office recommends that each county review the above-referenced statute, along with 1.10.23 NMAC. Formal procedures will be forthcoming. In the meantime, please contact our office if you have any questions. I have also included a calendar planning document for your reference. Please reach out with any questions.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Cell: 505.660.4045 | mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

Please note new email address.

November 2022 Post Election Machine Check Plan

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
6	7	8 Election Day	9 Post-Election Working Day 1	10 Post-Election Working Day 2	11 **Veterans Day**	12
13	14 Post-Election Working Day 3	15 Post-Election Working Day 4 Deadline: SOS to post notice	16 Post-Election Working Day 5	17 Post-Election Working Day 6	18 Post-Election Working Day 7	19
20	21 Post-Election Working Day 8	22 Post-Election Working Day 9 Public Precinct Selection	23 Post-Election Working Day 10	24 **Thanksgiving Day**	25 State Holiday	26
27	28 Post-Election Working Day 11 Auditor to send notice to county clerks.	29 Post-Election Working Day 12 Deadline: Select Precincts Day 1: CC tasks	30 Post-Election Working Day 13 Deadline: Notice to county clerks. Day 2: CC tasks	Dec 1 Day 3: CC tasks	Dec 2 Day 4: CC tasks	Dec 3 Day 5: CC tasks
Dec 4 Day 6: CC tasks	Dec 5 Day 7: CC tasks	Dec 6 Day 8: CC tasks	Dec 7 Day 9: CC tasks	Dec 8 Day 10: CC tasks Deadline: CC to complete machine check tasks	Dec 9	Dec 10

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Wednesday, November 2, 2022 4:38 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] Absentee Applications - NMVote.org

Good afternoon Everyone,

Just wanted to send a friendly reminder that tomorrow (11/3/22) is the last day voters can request for an absentee ballot in accordance with 1-6-5.F. The ability for voters to requested for an absentee ballot on NMVote.org is scheduled to close at 11:59am, tomorrow. Please ensure you process any applications that are received in your home queue overnight on Friday, and get ballots sent out that day. Thank you all for your hard work, we are in the home stretch.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Sent: Friday, August 26, 2022 4:18 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Vigil, Mandy, SOS; Chinana, Charlotte, SOS; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] Absentee Portal _ 2022 General Election

Good Afternoon County Clerks,

Thank you all for participating in election readiness check-ins.

The online absentee portal on NMVote.org will go live on Monday, August 29, 2022. Any applications received will be available for processing on the following day, Tuesday, August 30, 2022.

It was brought to our attention that you are unable to enter/process hard copy absentee applications in SERVIS. We are working with our vendor to resolve this system issue and will let you know once this is complete.

In addition to the online absentee portal opening to the public, there will be a feature that will be an accessibility option enabled for on the online voter registration system and the online absentee application portal. Individuals will have the ability to click a button within the portals to enable the accessibility toolbar. This is not required and will only populate if selected. It is intended to improve the use and experience of disabled individuals. If you receive any feedback on this item, please share it with us.

Lastly, with the opening of the online absentee application portal on Monday, it is important to keep in mind those voters who request for an absentee ballot and then change their voter registration to another address (within the same county or to another county). The following messaging will appear on the voter record when processing voter registrations:

If the VR update has invalidated the accepted application, please updated the voters record accordingly.

Thank you all for your time and have a great day. Please reach out to nmclerks@state.nm.us with any questions.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@state.nm.us

curryelections@currycounty.org

From: Valdez, Felecia, SOS <Felecia.Valdez@state.nm.us>
Sent: Thursday, September 1, 2022 4:31 PM
To: Hogland, Annie; Ancira, Adrian
Cc: Chinana, Charlotte, SOS; Vigil, Mandy, SOS
Subject: [EXTERNAL SENDER] Action Required: BOD Order Form
Attachments: 2020-CurryCounty_General_VoterTurnout_AppendixC.xlsx; BOD_OrderForm_Curry.pdf

Greetings,

Please take a moment to review the attached templates; we will need you to complete and return a copy of the ballot-on-demand check-in station order form as soon as possible: nmclerks@state.nm.us.

If you have any clarifying questions, let us know. Thank you and have a wonderful rest-of-the-week!

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Felecia R. Valdez

New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505-827-3632
Felecia.valdez@state.nm.us

Polling Location	2016 Turnout	Vote Type	AES: Check-in Station Calculations	
			14" Single	14" Pre-printed back
VCC - Colonial Clubhouse	978	Election Day	2	2
VCC - Grady's Senior Center	127	Election Day	2	2
VCC - Melrose City Hall	315	Election Day	2	2
VCC - North Plains Mall	556	Election Day	2	2
VCC - Roy Walker Center	1035	Election Day	2	2
VCC - Texico Community Building	309	Election Day	2	2
VCC - Trinity United Methodist Church	1078	Election Day	2	2
VCC - Youth Recreation Building	868	Election Day	2	2
Total			**16**	**16**

14" Double	17" Single	17" Pre-printed back	17" Double	19" Single	19" Pre-printed back
3	2	2	3	3	3
2	2	2	2	2	2
2	2	2	2	2	2
2	2	2	2	2	2
3	2	2	3	3	3
2	2	2	2	2	2
3	2	2	4	3	3
3	2	2	3	3	3
20	**16**	**16**	**21**	**20**	**20**

	ROBIS: Check-in Station Calculations					
19"Double	14" Single HP2055	14" Double HP2055	17" Single	17" Double	19" Single	19"Double
4	2	3	2	3	2	4
2	2	2	2	2	2	2
2	2	2	2	2	2	2
2	2	2	2	2	2	2
4	2	3	3	4	3	4
2	2	2	2	2	2	2
4	2	3	3	4	3	4
3	2	3	2	3	2	4
23	**16**	**20**	**18**	**22**	**18**	**24**

14" Single M401	14" Double M401
2	3
2	2
2	2
2	2
2	3
2	2
2	3
2	2
16	**19**

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 GENERAL ELECTION CHECK-IN STATION ORDER FORM

COUNTY:	Curry		
Projected Ballot Size:	14" Single	**2018 General Actuals:**	18
Vendor:	AES	**2022 BOD Formula:**	18

Check-In Station Calculations

Ballot on Demand Systems

Absentee BOD Systems:	2
Early Voting BOD Systems:	4
Election Day ONLY* BOD Systems:	21
Total Number of BOD Systems:	27

Same Day Registration Systems

Early Voting SDR Systems:	3
Election Day ONLY* SDR Systems:	9
Total Number of SDR Systems:	9

Sample Ballot Systems

Early Voting Sample Ballot Systems:	2
Election Day ONLY* Sample Ballot Systems:	4
Total Number of Sample Ballot Systems:	4

Other Systems

Total Number of Other Systems (Please Explain Below):	

Notes: North Plains Mall serves as both an EV and ED location. When ordering from AES, we requested 2 EV systems at mall, and 3 for ED.

Sample Ballot System at North Plains Mall EV can serve for that site on ED, and, the sample ballot system at the Clerk's Office can be deployed to an election day site; This is reflected in "Total" requested.

For SDR, we can reassign 3 of the EV SDR tablets to ED locations; this is reflected in "Total" SDR requested.

*Robis and AES deploy EV BOD to ED at no additional cost, so these should not be counted in the ED allotment.

curryelections@currycounty.org

From: Vandelay Solutions <office@vandelay.solutions>
Sent: Thursday, August 18, 2022 11:00 AM
To: Annie Hogland
Subject: [EXTERNAL SENDER] Agreement with Vandelay Solutions
Attachments: Curry County Vandelay Solutions Agreement 2023.pdf

Clerk Hogland,

Per your request, attached is the proposed Agreement between Curry County and Vandelay Solutions.

In addition, administrative documents, such as W-9, etc, can be found at this link: https://vande.link/FY23-Packet.

Please let me know if there is anything else required to process the attached Agreement.

Sincerely,

Stephen A. Balke
Board Chair
Vandelay Solutions

PROFESSIONAL SERVICES AGREEMENT

CURRY COUNTY CLERK & VANDELAY SOLUTIONS

THIS AGREEMENT IS MUTUALLY AGREED, MADE, AND ENTERED INTO between the following two parties, as follows:

1. **CURRY COUNTY (hereinafter "County"),** a political subdivision of the State of New Mexico, and the **CURRY COUNTY CLERK (hereinafter "County Clerk" or "Clerk"),** whose duties are described in the State Constitution: Article VI; the Election Code: Chapter 1, Articles 1 through 26; County Officers: Chapter 4, Article 40; Property Recordation: Chapter 14, Articles 8, 9, 9A, & 10; Probate Court Administration: Chapter 34, Article 7; Marriage Licensure: Chapter 40, Article 1; and other laws.

2. **VANDELAY SOLUTIONS (hereinafter "Technical Assistance Provider" or "TAP"),** a 501(c)(3) nonprofit corporation whose purpose includes the provision of technical assistance and training associated with all regular duties of the County Clerk's Office and which has been determined to federally exempt by the Internal Revenue Service of the United States of America and is organized under the provisions of the New Mexico Nonprofit Corporations Act, Chapter 53, Article 8, Section 1 to -199, NMSA 1978.

3. SCOPE OF SERVICES & DELIVERABLES

Technical Assistance Provider will management analyst services by means of technical assistance and training associated with all regular duties of the County Clerk's Office, on an as-needed basis and upon the request of the County Clerk, Chief Deputy, and other persons authorized by the County Clerk. As used in this Agreement:

A. "Technical Assistance" means the provision of technical expertise, information, and tools necessary to support the County Clerk to fulfill the constitutional and statutory duties of the County Clerk and the Office of the County Clerk and to research and respond to inquiries by the County Clerk; to develop, analyze and evaluate management procedures; to conduct research; and to assist in and resource the study, design, and implementation of procedures related to the Office of the County Clerk; and

B. "Training" means the provision of education, instruction, and preparation to the County Clerk, the Office of the County Clerk, and associated authorized stakeholders through customized and relevant direct instruction by means of on-site or distance learning to the Office of the County Clerk using methods of differentiated adult education and distinct learning modalities appropriate to the training scope and needs of the adults participating in the training services provided.

4. COMPENSATION AND TERM

A. The County, upon the approval of the County Clerk, will pay to the Technical Assistance Provider in each fiscal year of this Agreement a firm fixed-price fee in the amount of ten thousand dollars ($10,000.00).

B. This Agreement shall become effective upon approval by the County, and shall terminate at the end of that fiscal year.

C. This Agreement shall automatically renew at the beginning of each of the next three succeeding fiscal years unless terminated in writing by either Party. This Agreement and any extensions or renewals may not exceed four years.

5. EXPENDITURE AND PROCUREMENT NOTICES

A. Section 14-8-12.2(C)(4) permits expenditures from the County Clerk Recording and Filing Fund to be expended for technical assistance or for training associated with all regular duties of the County Clerk's Office. TAP warrants that amounts paid under this Agreement are for expenditures allowable pursuant to Section 14-8-12.2.

B. The New Mexico Procurement Code, Sections 13-1-28 through 13-1-199, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities, and kickbacks.

C. Section 13-1-125(C) defines the maximum amount allowable under the Procurement Code for small purchases by agreement or by direct purchase order.

D. County Clerk shall have the right, within twenty (20) days of the receipt of any invoice, to question, deny or request additional information regarding said invoice prior to payment to Technical Assistance Provider.

E. A signature sent via facsimile or electronic means shall have the same legal effect as if the original has been signed in person.

6. CONFLICT OF INTEREST, GOVERNMENTAL CONDUCT, & LIMITATIONS

A. The Technical Assistance Provider warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement.

B. The Technical Assistance Provider warrants this Agreement complies with all applicable provisions of the Governmental Conduct Act, Chapter 10, Article 16 NMSA 1978, and will continue to remain in compliance during the term of this Agreement.

C. The Technical Assistance Provider and County Clerk affirm this Agreement is not for the provision of legal services and it is understood by the County, County Clerk, and TAP that no attorney-client relationship is anticipated or created by this Agreement.

D. The Technical Assistance Provider and County Clerk affirm this Agreement is not for governmental relations or lobbying with the legislative branch of state government.

E. The Technical Assistance Provider is limited to and is organized and operated exclusively to further its eleemosynary purpose. TAP is not empowered to engage, other than as an insubstantial part of its activities, in activities that in themselves are not in furtherance of one or more exempt purposes as defined in the Internal Revenue Code of the United States of America

7. TERMINATION & TERMINATION MANAGEMENT

A. With or without cause, at any time this Agreement may be terminated by either the County Clerk or the TAP upon written notice to the other party at least sixty (60) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination.

B. Immediately upon receipt of notice of termination of this Agreement, both parties shall continue to honor obligations pursuant to this Agreement until the date of termination, shall not incur any further obligations for salaries, services, or any other expenditure of funds under this Agreement without written approval of the other party, and shall comply with all directives issued by the terminating party in the notice of termination as to the performance of work under this Agreement.

8. STATUS AS AN INDEPENDENT CONTRACTOR

A. The Technical Assistance Provider is an Independent Contractor providing services; the TAP, its officers, employees, or agents are not employees of the County or the County Clerk, and no employment relationship is created by this Agreement.

B. The TAP, as a result of this Agreement, shall not accrue leave, retirement, worker's compensation benefits, insurance, bonding, or any other benefits afforded to employees of the County. The County provides no liability coverage to the TAP.

C. The Technical Assistance Provider shall not subcontract any portion of the services to be performed under this Agreement without the first informing the Clerk.

D. Any confidential information provided to or developed for the Clerk by the TAP in the performance of this Agreement shall not be made available by the TAP to any individual or organization without the prior approval of the Clerk. All technical data, electronic files and other written and oral information not in the public domain, or not previously known, and all information, electronic files and data obtained, developed or supplied by the Clerk, will not be disclosed to any other party, directly or indirectly, without the Clerk's consent unless required by law or a lawful order.

9. INSURANCE

Technical Assistance Provider warrants that insurance has been obtained and will be maintained of the types and in the amounts set below throughout the term of this Agreement with an insurer acceptable to the County. Technical Assistance Provider shall ensure that any sub-contractors maintain like insurance. The TAP shall not provide any services under this Agreement unless and until TAP has met the requirements of this section. Technical Assistance Provider agrees to provide County Clerk with Certificates of Insurance or other evidence acceptable to County that Technical Assistance Provider has met its obligation to obtain and maintain insurance. General Liability Insurance shall name County as an additional insured.

A. General Liability Insurance: $1,000,000 combined single limit per occurrence.

B. Worker's Compensation: In an amount as may be required by law.

C. Business Automobile Liability: $500,000 combined single limit per occurrence on any owned, non-owned, and hired automobiles and vehicles used in performing services under this Agreement.

10. STATE USE ACT

Pursuant to the terms of Chapter 13, Article 1C, Technical Assistance Provider warrants that the New Mexico Council for Purchasing from Persons with Disabilities has excluded management analyst services, such as those offered herein through the combination of technical assistance and training, from the services currently provided through the Central Non-Profit Agency. Accordingly, the State Use Act does not apply to the service offered in this Agreement to the County Clerk by the Technical Assistance Provider.

11. SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject hereof, and all such covenants, agreements, and understanding have been merged into this written Agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement. This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the parties thereto.

12. RECORDS, AUDIT, & RELEASE

A. This is an Agreement to provide technical assistance or training on an as-needed basis to the County Clerk on a firm fixed-price flat-fee as permitted in the state Procurement Code at Section 13-1-58. TAP agrees to keep accurate and complete records of all billings to the County in accordance with generally accepted accounting principles, and consistent with Section 13-1-161, shall maintain such records for a minimum of six (6) years. Payment under this Agreement shall not foreclose the right of the County or County Clerk to recover excessive or illegal payment.

B. The Technical Assistance Provider, upon final payment of the amount due under this Agreement, releases the County Clerk and the County, its officers and employees, from all liabilities, claims, and obligations whatsoever arising from or under this Agreement. Technical Assistance Provider agrees not to purport to bind the County or County Clerk to any obligation not assumed herein, unless the TAP has express written authority to do so, and then only within the strict limits of that authority.

C. Nothing contained in this Agreement shall create any partnership, association, joint venture, fiduciary, or agency relationship between the TAP and the County. Except as otherwise specifically set forth herein, neither Technical Assistance Provider nor County shall be authorized or empowered to making any representation or commitment or to perform any act which shall be binding on the other, unless expressly authorized or empowered to do so.

13. ENFORCEMENT OF AGREEMENT

A. This Agreement shall be governed by the substantive and procedural laws of the State of New Mexico. Venue for any action under this Agreement shall be proper only in a New Mexico court of competent jurisdiction.

B. In the event that any provision or any portion of any provision of this Agreement shall be held invalid, illegal, or unenforceable under applicable law, the remainder of this Agreement shall remain valid and enforceable in accordance with its terms.

C. No waiver of any breach of any of the terms or conditions of this Agreement shall be held to be a waiver or any other or subsequent breach; not shall any waiver be valid or binding unless the same shall be in writing and signed by the party alleged to have granted the waiver.

D. A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

E. Neither party shall assign or transfer any interest in this Agreement nor assign any claims for money due or to become due under this Agreement.

14. INDEMNIFICATION

Technical Assistance Provider shall defend, indemnify, and forever hold and save the County Clerk and County, its officers and employees harmless against any and all suits, causes of action, claims, liabilities, damages, losses, and reasonable attorney's fees and all other expenses of any kind from any source which may arise out of this Agreement or any amendment thereto, if caused by the negligent act, error, or omission, or by intentional act, error or omission of the TAP, its officers, employees, or agents.

15. EQUAL OPPORTUNITY COMPLIANCE

The Technical Assistance Provider agrees to abide by all Federal and State laws pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Technical Assistance Provider assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Technical Assistance Provider is found not to be in compliance with these requirements during the life of this Agreement, Technical Assistance Provider agrees to take appropriate steps to correct these deficiencies.

16. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient County General Fund appropriations or use of the County Clerk Recording & Filing Fund for the subject matter of this Agreement. If sufficient appropriation is not made by the County and the Recording and Filing Fund does not contain sufficient otherwise unencumbered funds, this Agreement may terminate or be renegotiated upon written notice to the TAP.

17. REGULATORY IDENTIFIERS

The Federal TIN / EIN for Vandelay Solutions is: 84-2295109; and

The NM CRS Number for Vandelay Solutions is: 03-506091-00-3.

18. NOTICES

Notices pursuant to this Agreement shall be delivered in person, in writing by United States Postal Service or commercial delivery service, or as an attachment in PDF format by electronic mail, as follows:

CURRY COUNTY:	TECHNICAL ASSISTANCE PROVIDER:
Annie Hogland	Stephen A. Balke
County Clerk	Chair, Board of Directors
Curry County	Vandelay Solutions
417 Gidding Street, Suite #130	1420 Carlisle Blvd. NE, Suite 208
Clovis, New Mexico 88101	Albuquerque, NM 87110-5662
ahogland@currycounty.org	office@vandelay.solutions

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date of execution by the County below.

COUNTY OF CURRY:	**VANDELAY SOLUTIONS:**
NAME:	NAME: Stephen A. Balke
TITLE:	TITLE: Chair, Board of Directors
DATE: _____	DATE: 18 August 2022

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Pursuant to the Procurement Code, Sections 13-1-28, et seq., NMSA 1978 and NMSA 1978, § 13-1-191.1 (2006), as amended by Laws of 2007, Chapter 234, any prospective contractor seeking to enter into a contract with any state agency or local public body for professional services, a design and build project delivery system, or the design and installation of measures the primary purpose of which is to conserve natural resources must file this form with that state agency or local public body. This form must be filed even if the contract qualifies as a small purchase or a sole source contract. The prospective contractor must disclose whether they, a family member or a representative of the prospective contractor has made a campaign contribution to an applicable public official of the state or a local public body during the two years prior to the date on which the contractor submits a proposal or, in the case of a sole source or small purchase contract, the two years prior to the date the contractor signs the contract, if the aggregate total of contributions given by the prospective contractor, a family member or a representative of the prospective contractor to the public official exceeds two hundred and fifty dollars ($250) over the two year period.

Furthermore, the state agency or local public body may cancel a solicitation or proposed award for a proposed contract pursuant to Section 13-1-181 NMSA 1978 or a contract that is executed may be ratified or terminated pursuant to Section 13-1-182 NMSA 1978 of the Procurement Code if: 1) a prospective contractor, a family member of the prospective contractor, or a representative of the prospective contractor gives a campaign contribution or other thing of value to an applicable public official or the applicable public official's employees during the pendency of the procurement process or 2) a prospective contractor fails to submit a fully completed disclosure statement pursuant to the law.

The state agency or local public body that procures the services or items of tangible personal property shall indicate on the form the name or names of every applicable public official, if any, for which disclosure is required by a prospective contractor.

THIS FORM MUST BE INCLUDED IN THE REQUEST FOR PROPOSALS AND MUST BE FILED BY ANY PROSPECTIVE CONTRACTOR PROVIDER WHETHER OR NOT THEY, THEIR FAMILY MEMBER, OR THEIR REPRESENTATIVE HAS MADE ANY CONTRIBUTIONS SUBJECT TO DISCLOSURE.

The following definitions apply:

"Applicable public official" means a person elected to an office or a person appointed to complete a term of an elected office, who has the authority to award or influence the award of the contract for which the prospective contractor is submitting a competitive sealed proposal or who has the authority to negotiate a sole source or small purchase contract that may be awarded without submission of a sealed competitive proposal.

"Campaign Contribution" means a gift, subscription, loan, advance or deposit of money or other thing of value, including the estimated value of an in-kind contribution, that is made to or received by an applicable public official or any person authorized to raise, collect or expend contributions on that official's behalf for the purpose of electing the official to statewide or local office. "Campaign Contribution" includes the payment of a debt incurred in an election campaign, but does not include the value of services provided without compensation or unreimbursed travel or other personal expenses of individuals who volunteer a portion or all of their time on behalf of a candidate or political committee, nor does it include the administrative or solicitation expenses of a political committee that are paid by an organization that sponsors the committee.

"Family member" means spouse, father, mother, child, father-in-law, mother-in-law, daughter-in-law or son-in-law of (a) a prospective contractor, if the prospective contractor is a natural person; or (b) an owner of a prospective contractor.

"Pendency of the procurement process" means the time period commencing with the public notice of the request for proposals and ending with the award of the contract or the cancellation of the request for proposals.

"Prospective Contractor" means a person or business that is subject to the competitive sealed proposal process set forth in the Procurement Code or is not required to submit a competitive sealed proposal because that person or business qualifies for a sole source or a small purchase contract.

"Representative of a prospective Contractor" means an officer or director of a corporation, a member or manager of a limited liability corporation, a partner of a partnership or a trustee of a trust of the prospective contractor.

XX "NO CONTRIBUTIONS IN THE AGGREGATE TOTAL OVER TWO HUNDRED FIFTY DOLLARS ($250) WERE MADE TO AN APPLICABLE PUBLIC OFFICIAL BY ME, A FAMILY MEMBER, OR REPRESENTATIVE."

BY: _____ 18 August 2022

STEPHEN A. BALKE, VANDELAY SOLUTIONS **DATE**

NOTE: This is substantially in the form of the DFA Disclosure Form/July, 2007

curryelections@currycounty.org

From: Vigil, Jeff, SOS <Jeff.Vigil@sos.nm.gov>
Sent: Thursday, October 20, 2022 8:29 AM
To: Jordan, Michelle; Padilla, Linda; Salcido, Denice; Maes, Selina; Stover, Linda; Bachman, Lindsey; Armijo, Sharon; Cindy Fuller; Dominguez, Michelle; Milam, Michael; Paz, Michelle; Trujillo, Rayetta; Hogland, Annie; Barfield Hromas, Jeffrey; Lopez Askin, Amanda; Rosprim, Darlene; Marlene Custer; Martinez, Victoria; Maestas, Naomi; Nabours, Leslie; Serrano, Robert; White, Ellen; Eileen Davis; cj.garisson@hardingcounty.org; Whittaker, Whitney; McWright, Berenda; Sloan, Jacqueline; Gurule Trujillo, Vivian; Holmes, Robyn; Park, Mandi; Sanchez, Louanna; Brady, Anne; Clark, Katharine; Trujillo, Shelly K.; Saavedra, Betty; Otero, Yvonne; Green1, Brenda; Montoya, Valerie; Martinez, Anna; Juan E. Torres
Cc: Martinez, Julian, SOS; Kirby, James, SOS; Lopez, Tracy, SOS
Subject: [EXTERNAL SENDER] AWS Video Update
Attachments: merki_archive_download_training_v2.pdf

Good Morning Everyone,

We discovered a flaw in the download process from the AWS cloud. Attached is a slide that shows the correct procedure. If you have any questions please do not hesitate to contact the SOS ESP office. Thank You

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

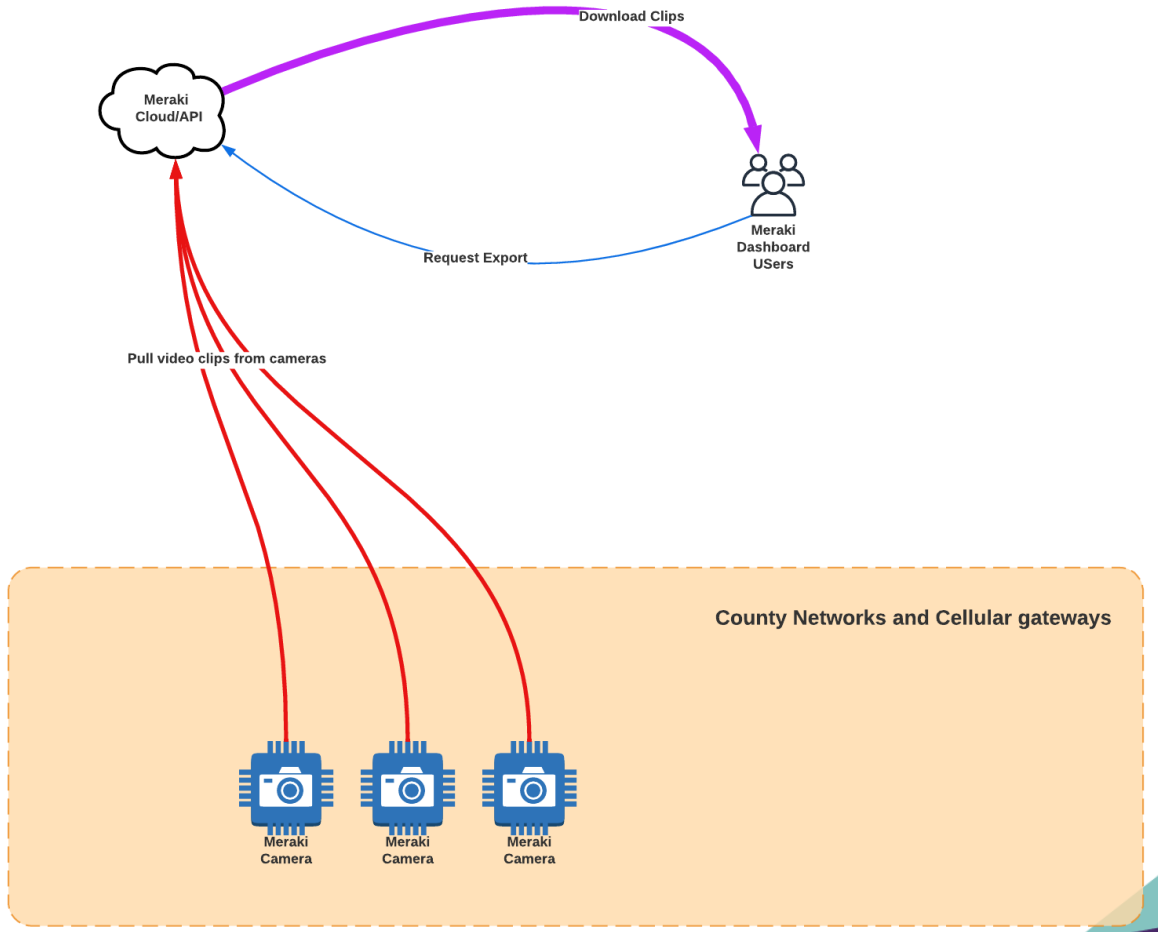
Jeff Vigil Elections Security and Compliance Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300
Santa Fe, NM 87501
Cell: (505) 309-1050 | Desk: (505) 309-1050
Jeff.Vigil1@state.nm.us
Follow us on Facebook + Twitter

NM Elections Video Archive

Accessing Election video for IPRA requests

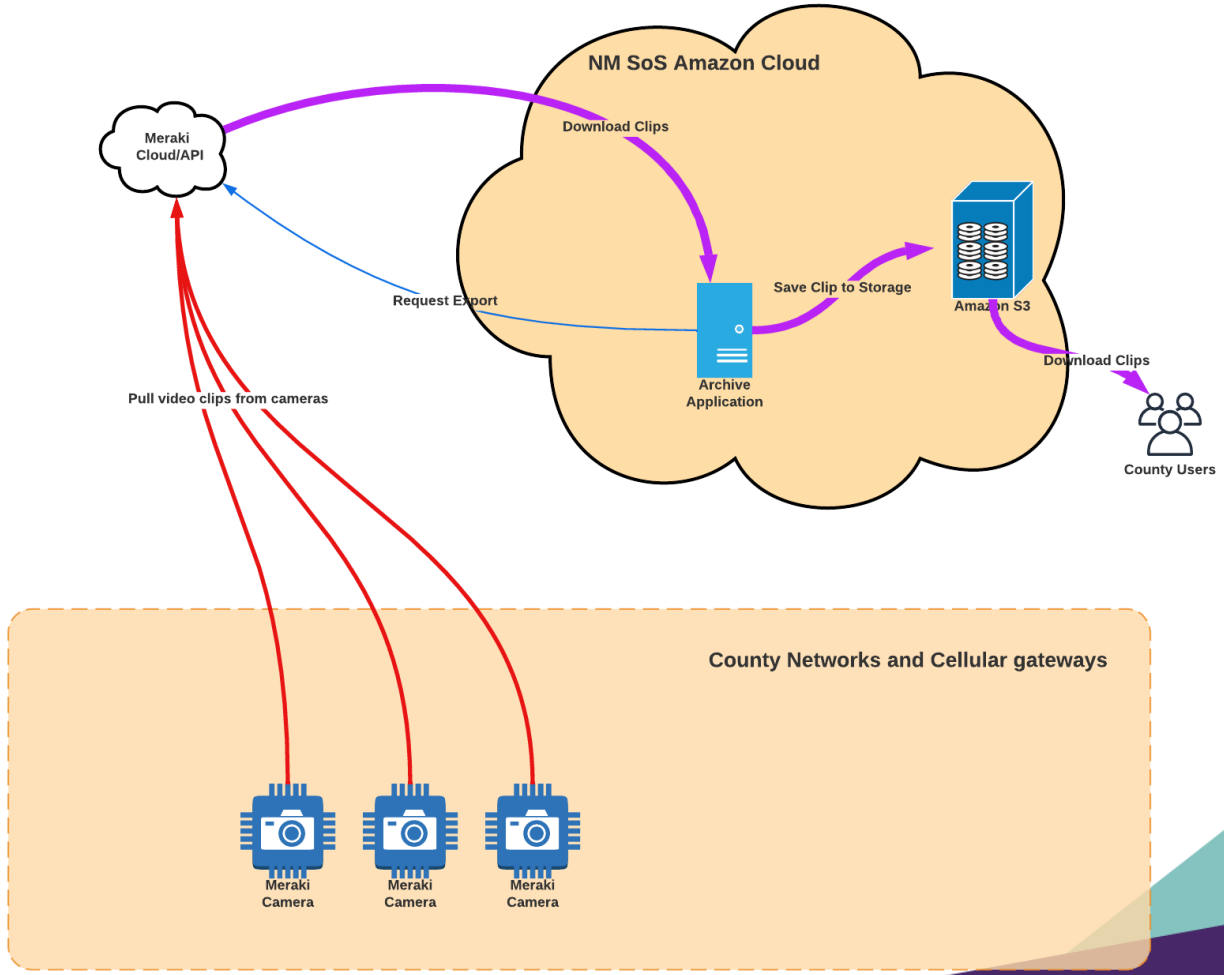
Overview: Meraki Camera Ballot monitoring

- Cameras reside at County ballot boxes
- Cameras only have 3 days of full motion video
- Meraki Dashboard Users can schedule videos to be exported in video clips of up to 12 hours
- Meraki Dashboard users can then download these video clips once processing is done



Overview: Meraki Camera Archive Project

- Uses automation to schedule exports for each day of election
- Stores video clips in Amazon S3 for 24 months
- After 90 days, videos are moved to Glacier Deep Archive, which requires up to 12 hours to restore
- NM Secretary of State can grant access to County Users to download video clips from Amazon S3

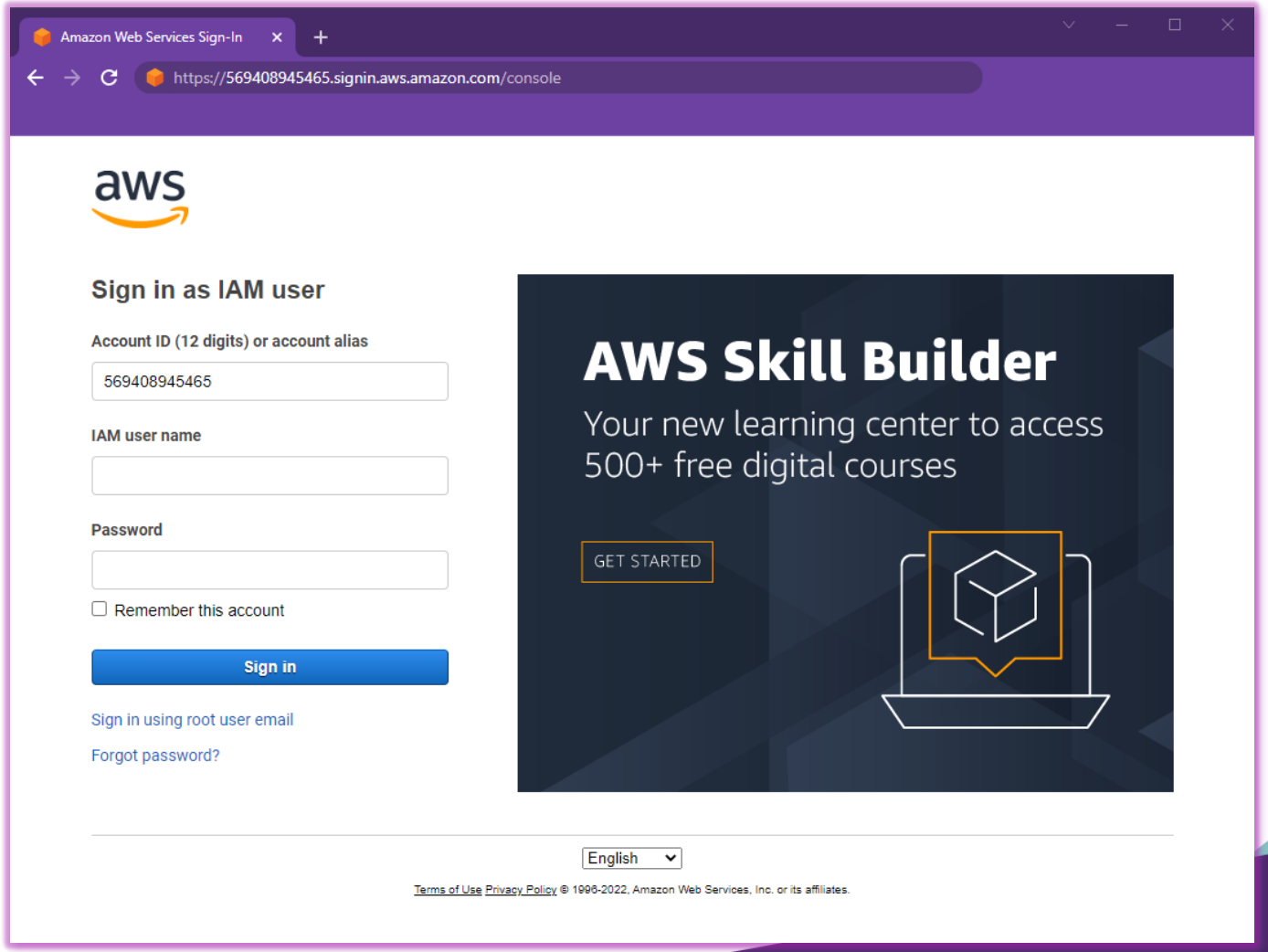


Election Video Download: AWS accounts and login

NM SoS staff will send an email with your console URL, username and ONE TIME password

Please store the console URL as displayed because it includes your account ID

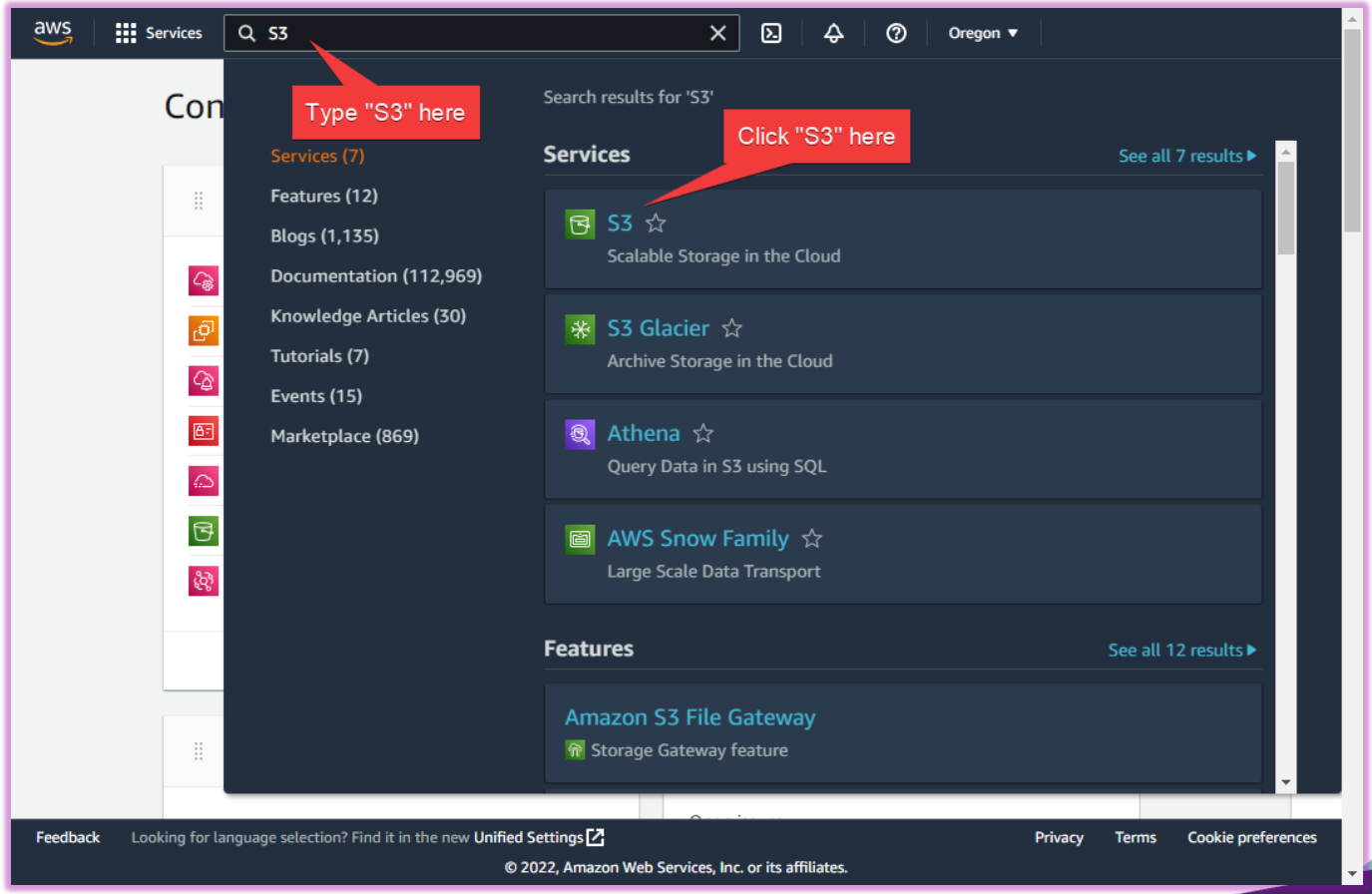
You must change your password after first login



Election Video Download: AWS Video Download

Once Logged in, Search for “S3”

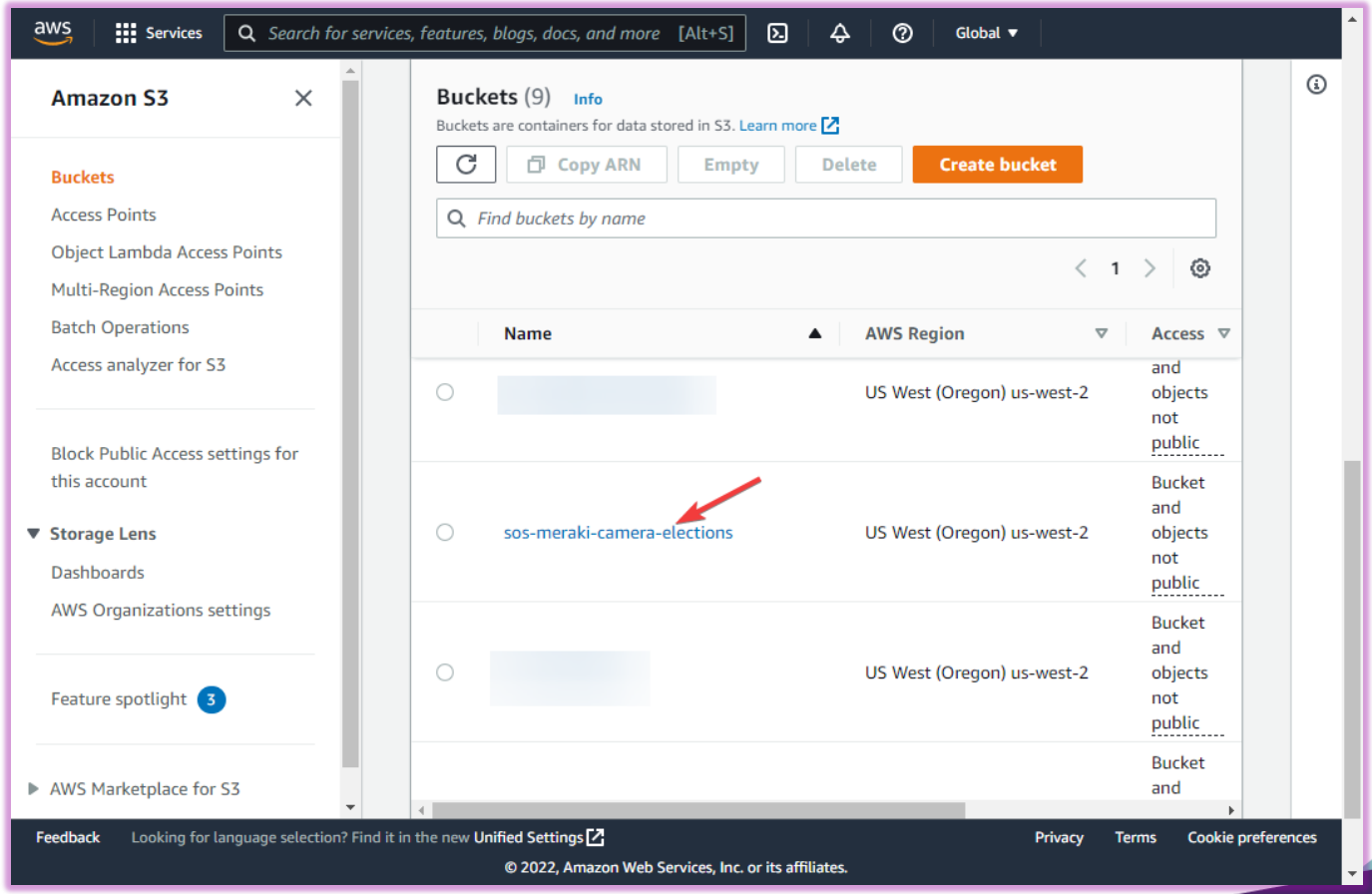
Click the “S3” option in the search results



Election Video Download: AWS Video Download

Scroll down and look for the “sos-meraki-camera-elections” bucket

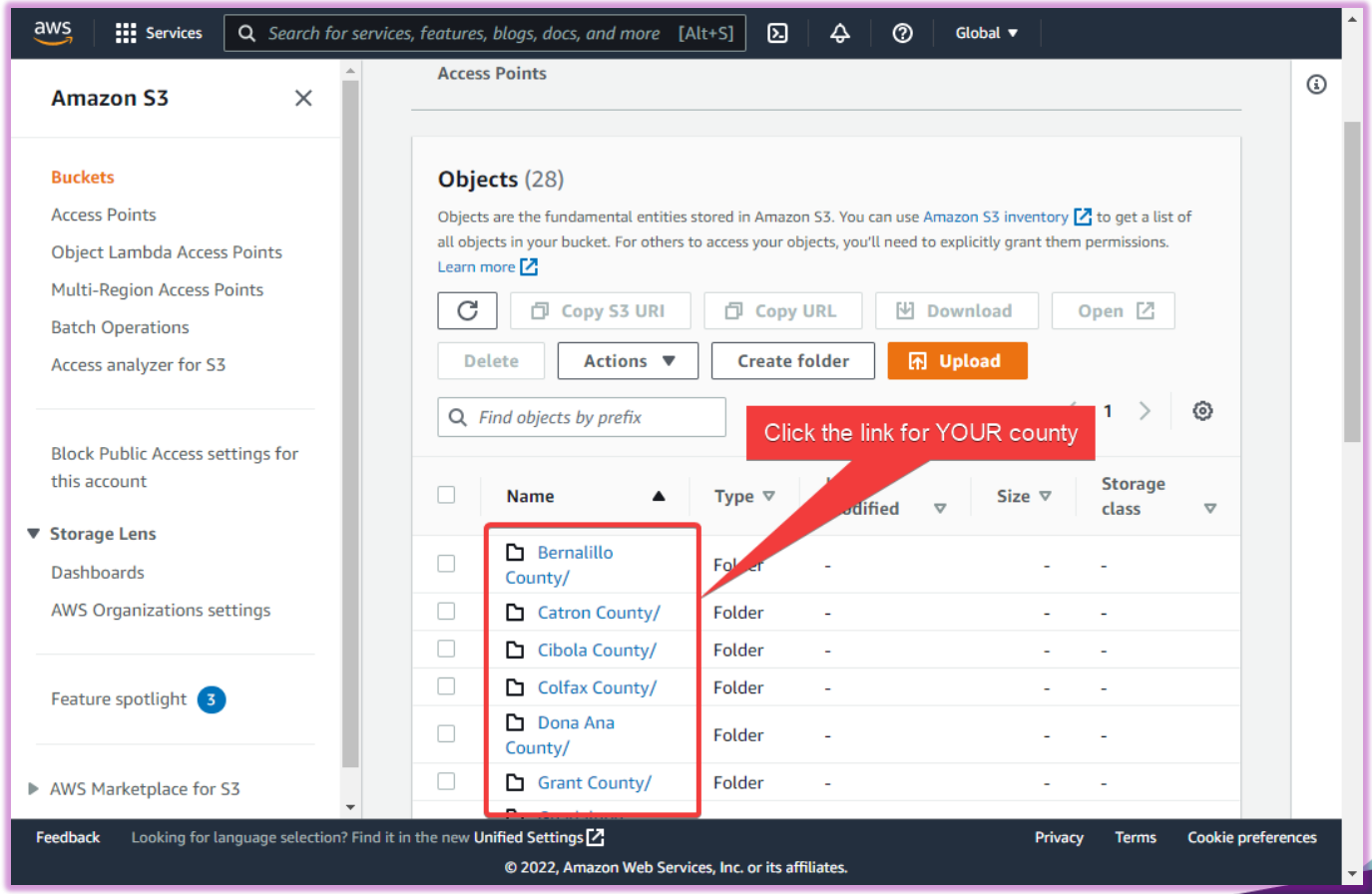
Click the blue link to continue



Election Video Download: AWS Video Download

Scroll down and look for the folder for your county

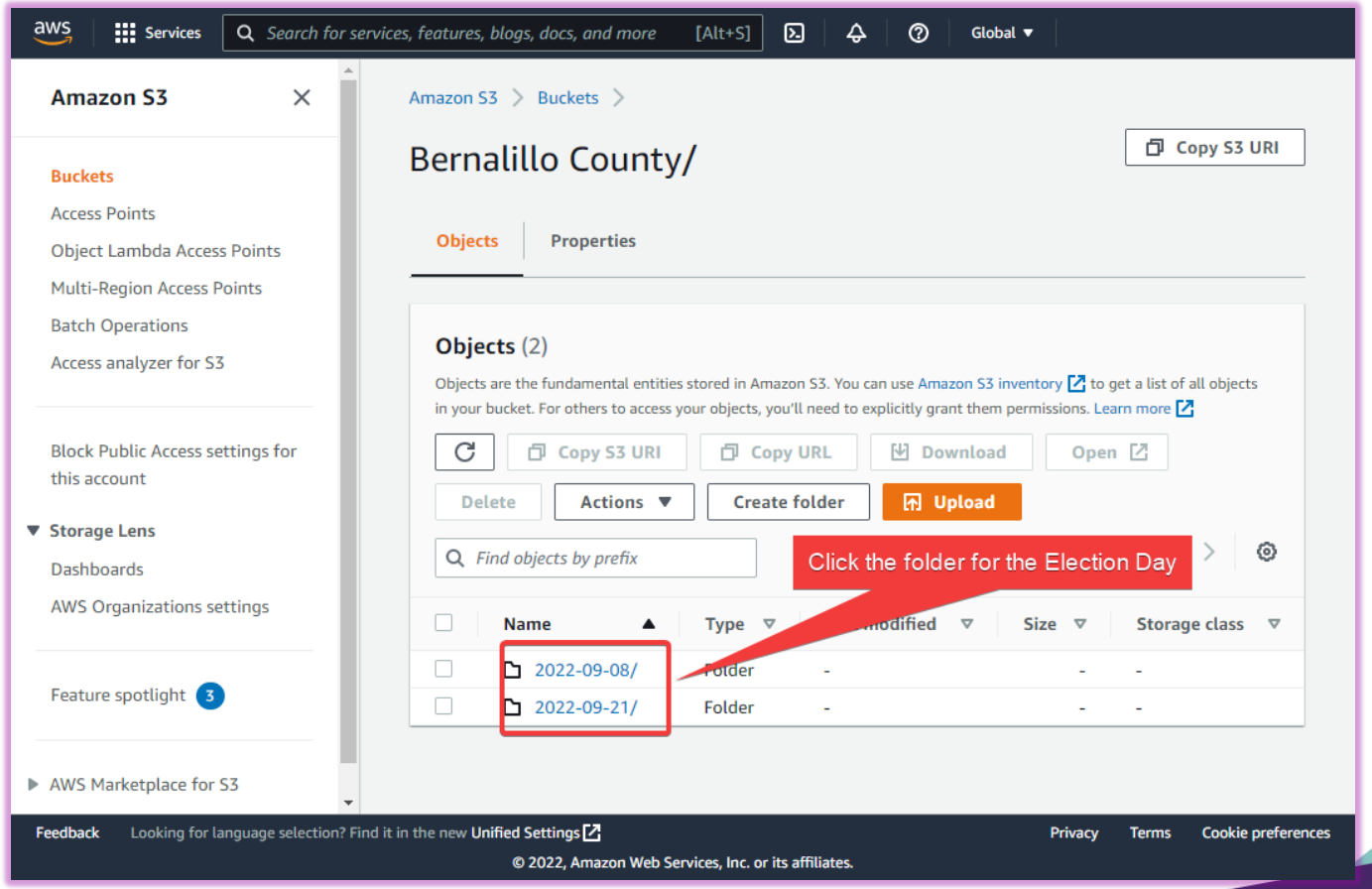
Click the blue link to continue



Election Video Download: AWS Video Download

Click the folder for the election day

All days of early voting AND the election day are in this folder



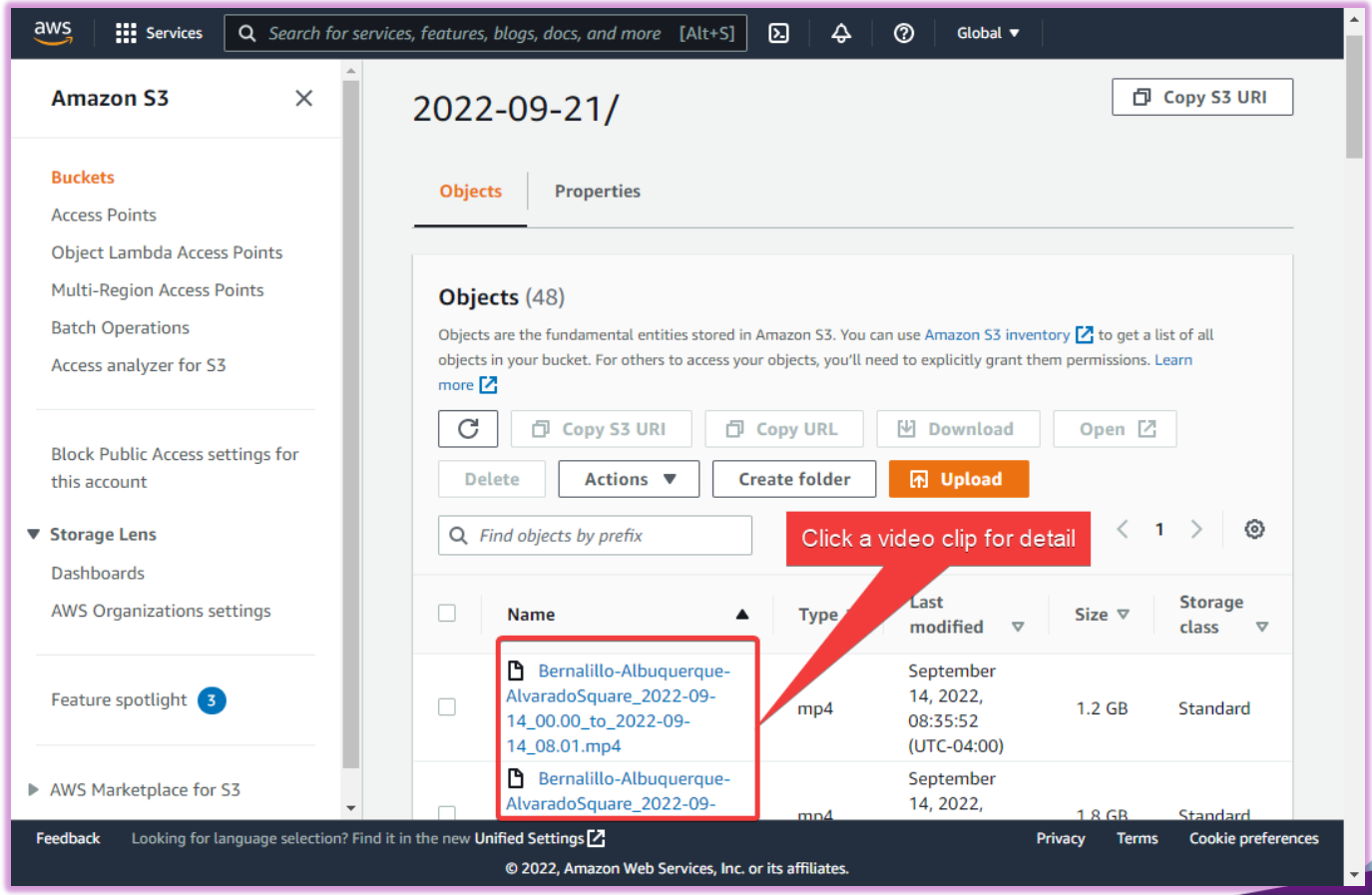
Election Video Download: AWS Video Download

Videos are stored in 8 hour and 1-minute clips

Each video is named by

- County
- Camera Name
- Start date and time
- End date and time

Click the link to see video details

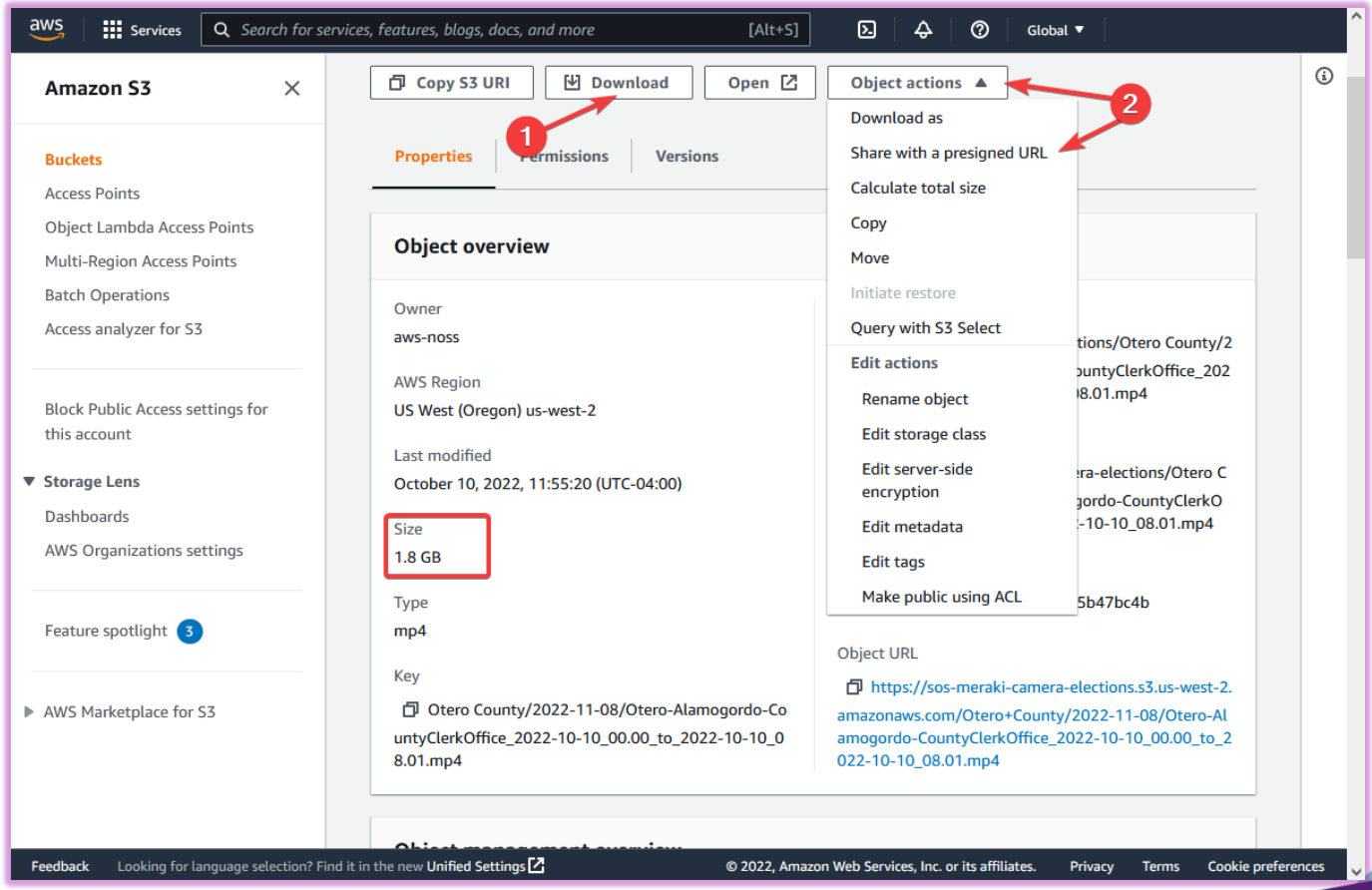


Election Video Download: AWS Video Download

From this screen you can see the size of the video, download the video or share a link that does not require an AWS account

(1) Click the “Download” button to download the video

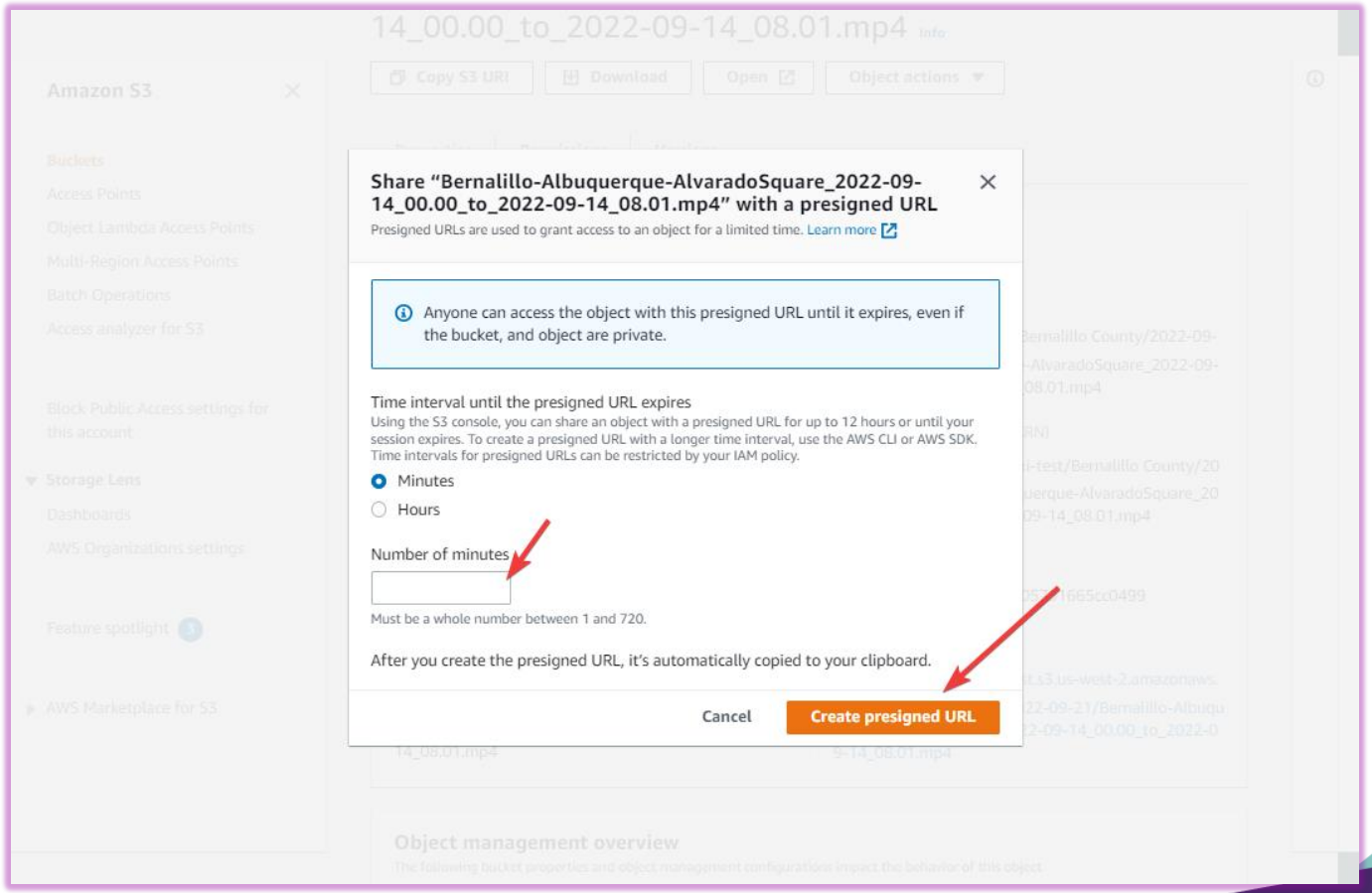
(2) Select “Object actions” and then select “Share with presigned URL” to create a shareable link



Election Video Download: AWS Video Presigned URL

When creating a Presigned URL, you must select a time period in minutes or hours where this URL will be valid

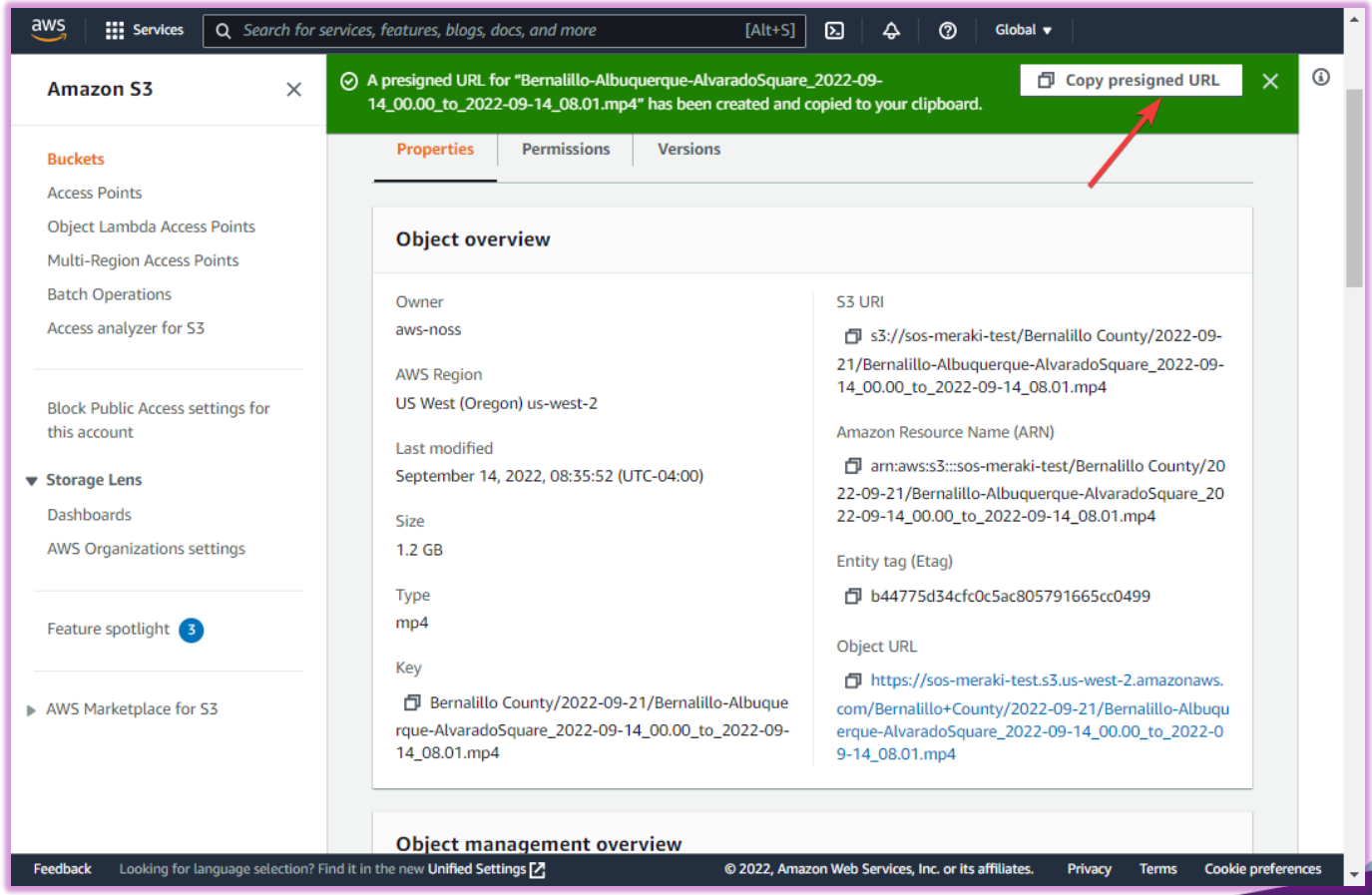
Next, Click the “Create presigned URL” button



Election Video Download: AWS Video Presigned URL

At this point the URL is in your clipboard and can be pasted into another document

As long as this webpage is open, you can also click the “Copy presigned URL” button to copy the link again



Election Video Download: AWS Video restore

If a video has been archived, it will not be available for immediate download or presigned URL

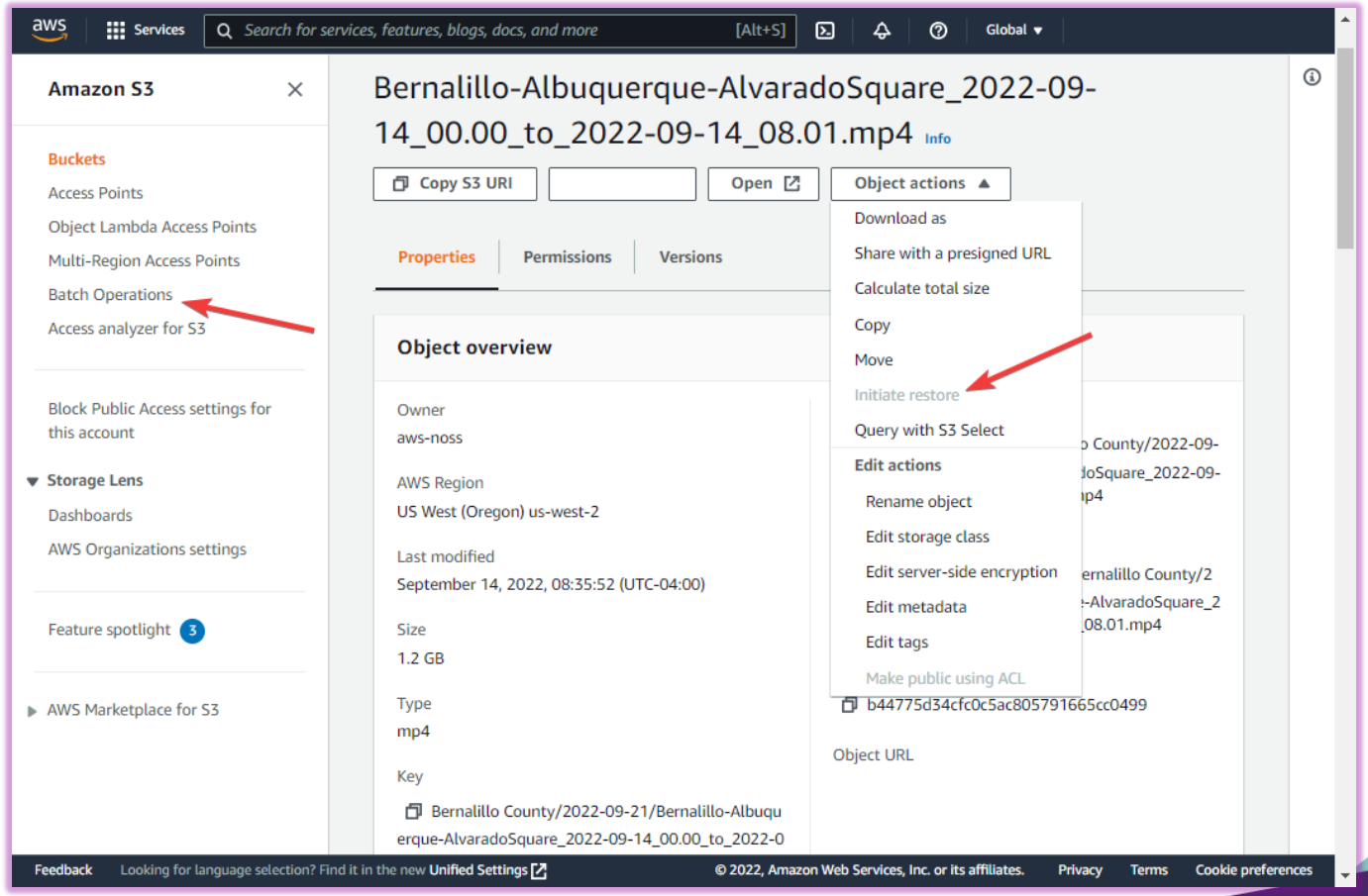
To restore a video:

- Select “Object actions”
- Initiate Restore

This process can take up to 12 hours

You can check the progress of the restore by clicking “Batch Operations”

After a video is restored and you can download it the same as any other video



Questions?

curryelections@currycounty.org

From: Lopez, Tracy, SOS <Tracy.Lopez2@state.nm.us>
Sent: Tuesday, August 16, 2022 5:33 PM
To: SOS-33 County Clerks; Trujillo, Shelly K.; Whitehead, Amy
Cc: Vigil, Mandy, SOS; Vigil, Jeff, SOS; Martinez, Julian, SOS
Subject: [EXTERNAL SENDER] Ballot Box Video Download Directive
Attachments: NMESPVideoGuidance20220816.pdf

Good evening!

Attached is an ESP Directive on the downloading of your ballot box videos and the retention. As I mentioned before the ESP program in the process of automating this process. If you need additional training or have questions, please contact us at sos.esp@state.nm.us.

Warm regards,

Tracy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Tracy Lopez, Elections Security Program Manager
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.396.0106
Tracy.Lopez2@state.nm.us

Follow us on Facebook + Twitter

NEW MEXICO SECRETARY OF STATE
ELECTION SECURITY PROGRAM GUIDANCE

TO: NM 33 Counties

FROM: Tracy Lopez, Elections Security Program Manager

SUBJECT: Ballot Box Video Download and Retention

DATE: August 16, 2022

Elections Statute 1-12-69, Disposition of paper ballots.

A. Paper ballots marked by voters and all records related to voting in any election in which a federal candidate appears on the ballot shall be retained and preserved for a period of twenty-two months from the date of the election.

B. Paper ballots marked by voters and all records related to voting in any election in which no federal candidate appears on the ballot shall be retained and preserved for forty-five days after adjournment of the state or county canvassing board, whichever is later.

Video surveillance recordings are considered "records".

These records belong to the county and need to be downloaded, retained, preserved, and destroyed according to 1-12-69.

Please use this guidance to download your ballot box video.

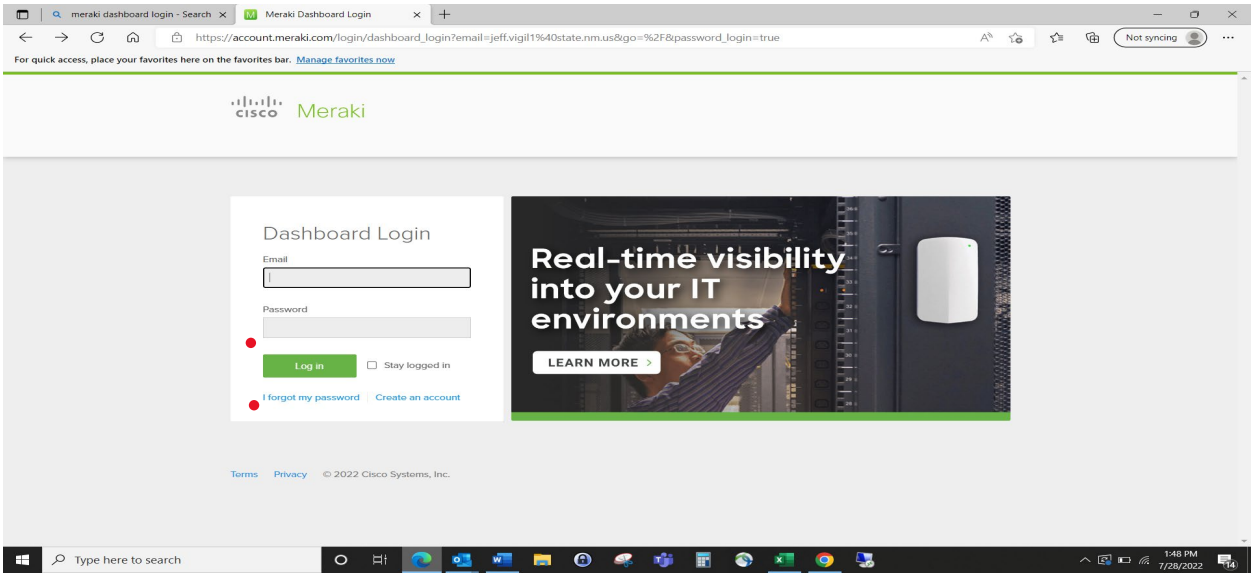
If you need assistance, please contact.

NM SOS ESP - sos.esp@state.nm.us

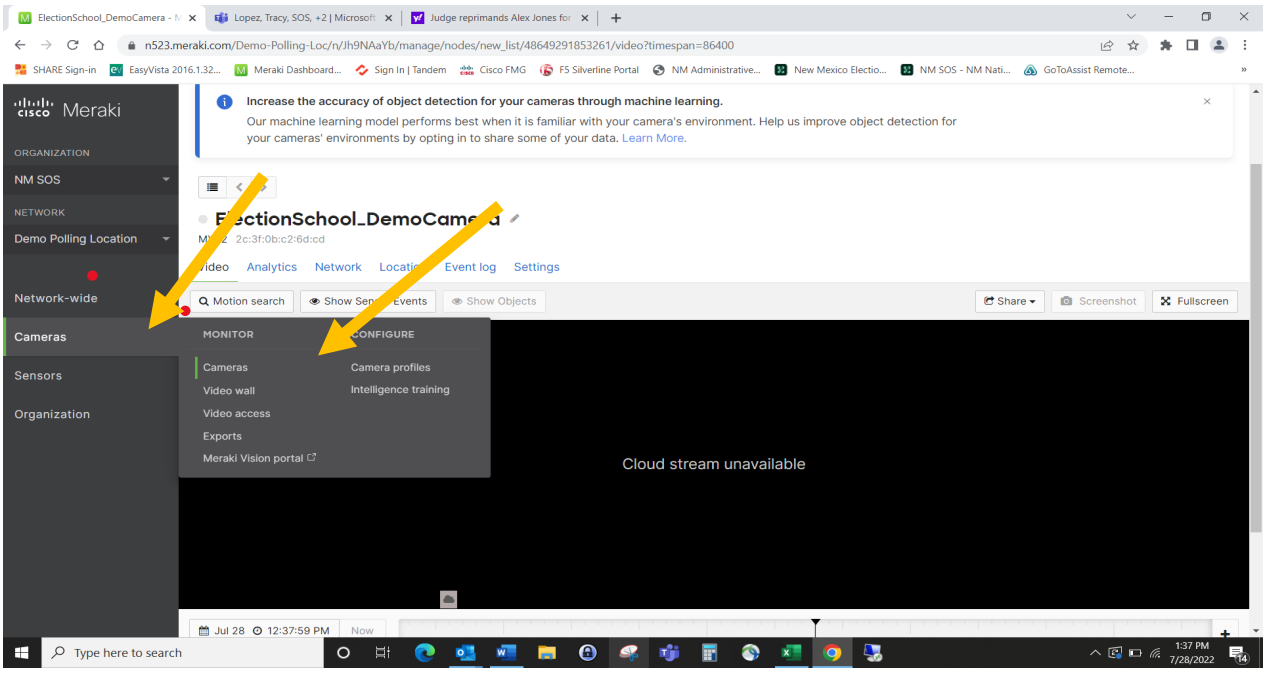
Meraki Support Team - 415.937.6671
Meraki Customer Number - 5452-6115
Support passcode - A696

NEW MEXICO SECRETARY OF STATE
ELECTION SECURITY PROGRAM GUIDANCE

1. Log into the dashboard with your credentials.

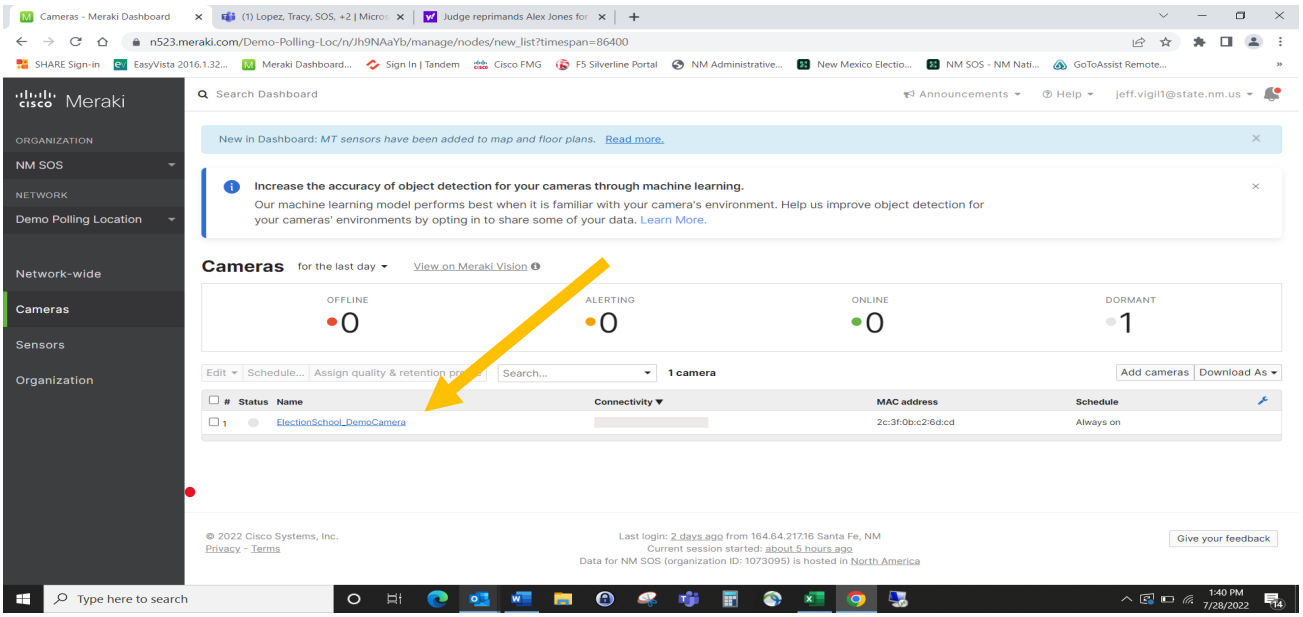


2. Scroll over “Cameras” and click on cameras again.

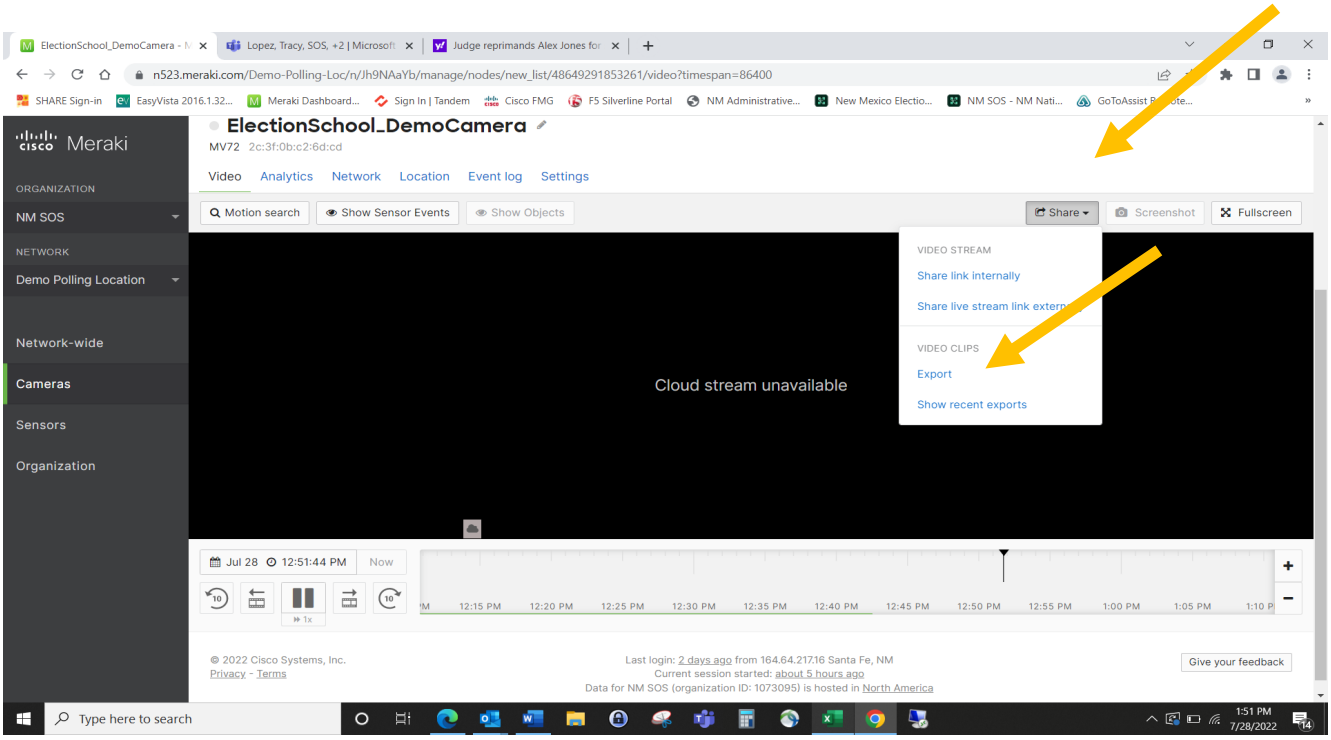


NEW MEXICO SECRETARY OF STATE
ELECTION SECURITY PROGRAM GUIDANCE

3. Select the camera you want to export the video from.

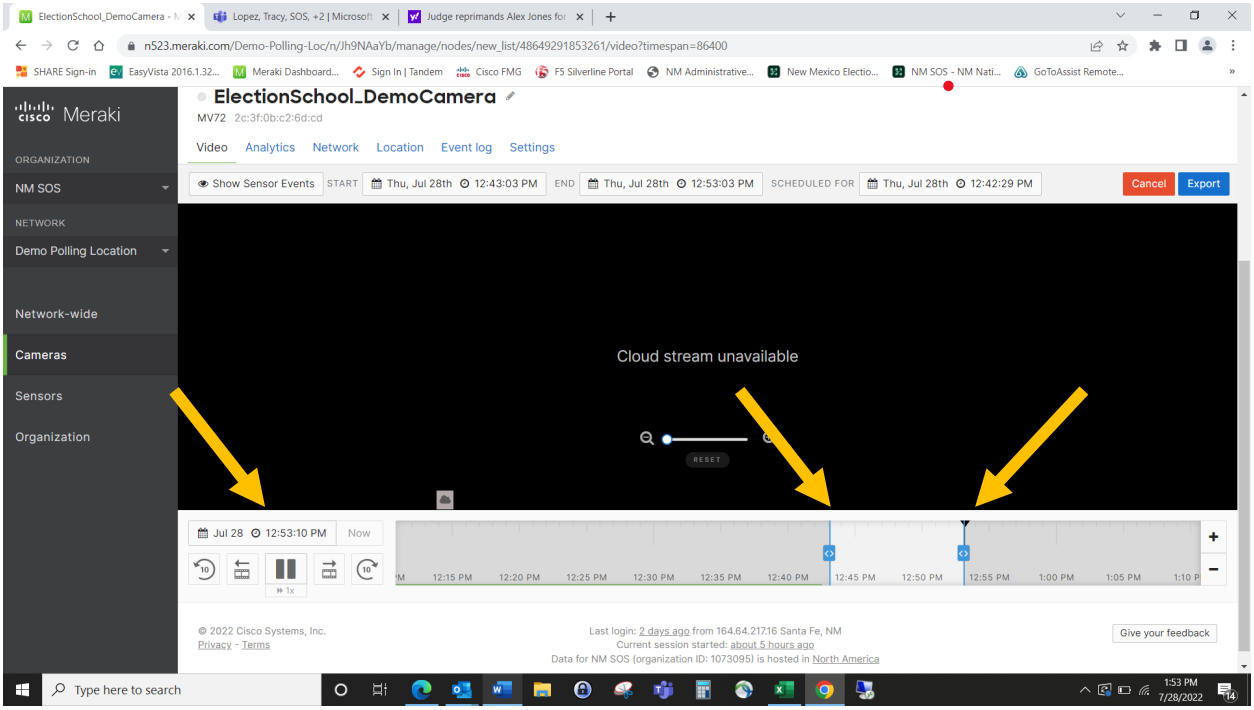


4. Click on Share button. You will see a drop-down menu with the Export tab, Click on Export.

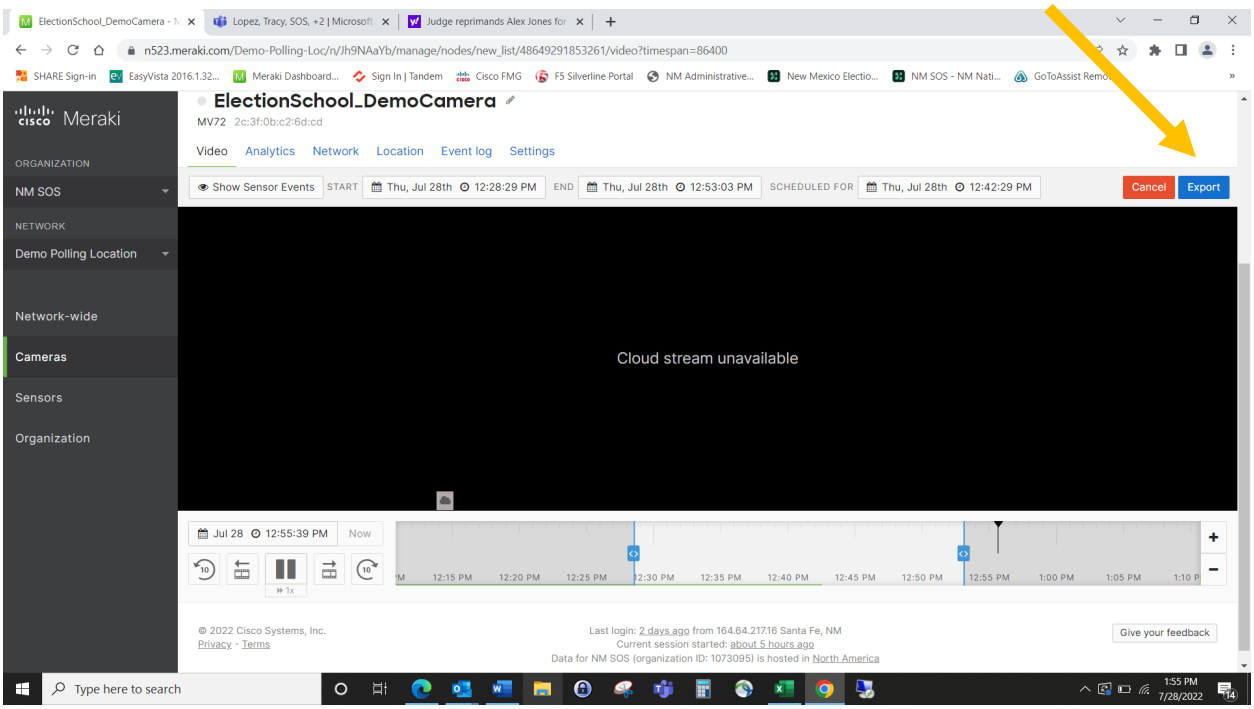


NEW MEXICO SECRETARY OF STATE
ELECTION SECURITY PROGRAM GUIDANCE

5. You should see the video, the video retention bar as well as a calendar and clock. You can use either the slide bars or calendar and clock to select the video you wish to export.

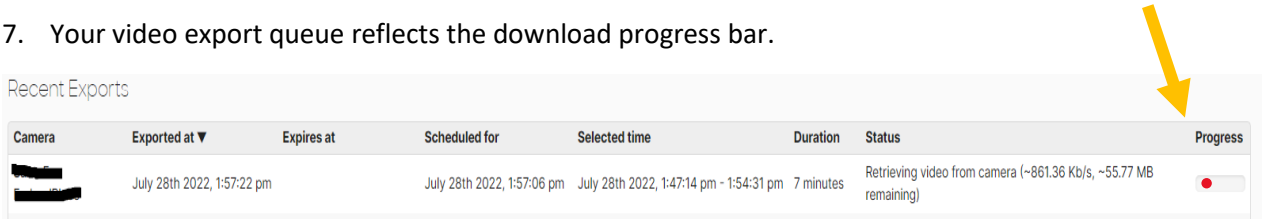


6. Click on Export

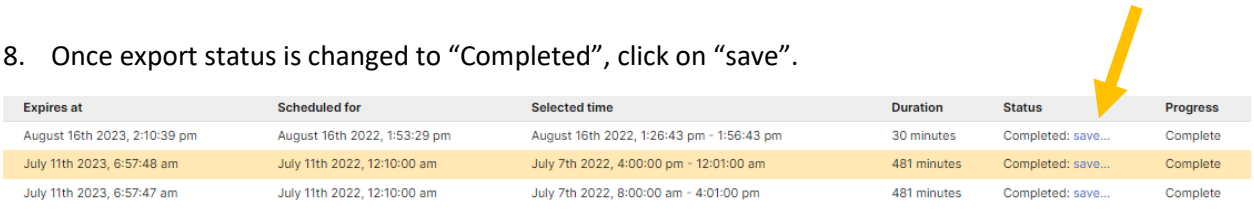


NEW MEXICO SECRETARY OF STATE
ELECTION SECURITY PROGRAM GUIDANCE

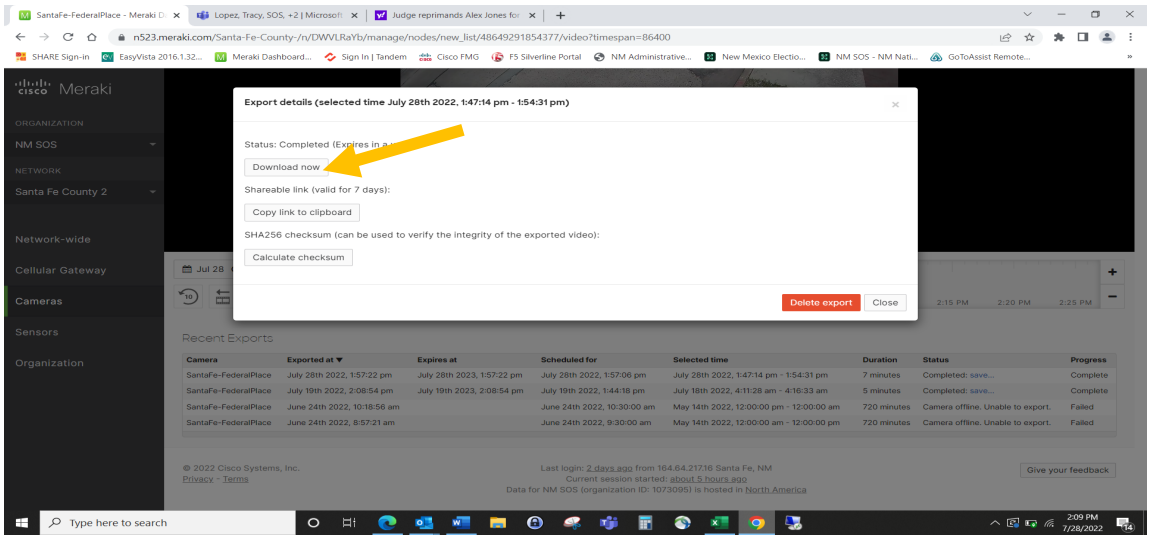
7. Your video export queue reflects the download progress bar.



8. Once export status is changed to “Completed”, click on “save”.



9. Click the download now button.



10. The video segment will download to the Download Folder on your computer. From that folder you can copy the video segment to the storage location you have designated.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Tuesday, September 20, 2022 9:25 AM
To: Hogland, Annie
Cc: Park, Mandi; francisco.padilla@dominionvoting.com; Chinana, Charlotte, SOS
Subject: [EXTERNAL SENDER] Brian Stover - Candidate Challenge

Hi Annie,

Do you have a status update on the case filed by Brian Stover? Do you have space to discuss your position and next steps at 1pm this afternoon?

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Tuesday, December 13, 2022 11:28 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] Certificate of Election _ 2022 General Election

Good Morning County Clerk's

Hope everyone has been doing well. Our office has completed the review of the Certificates of Election for the winning candidates in the General Election and they are currently in production with state printing. Pursuant to 1-13-16, it is the duty of the Secretary of State to issue Certificates of Election. The certificates will go out in the mail tomorrow 12/14, so if you get any questions or calls from the winning candidates, please let them know they can expect the certificate in the mail.

Best Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Wednesday, November 2, 2022 11:25 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; francisco.padilla@dominionvoting.com; David Davoust; Ernie Marquez; Aaron Davis, Robis; Enrique Baca
Subject: [EXTERNAL SENDER] Certification Concerns/Clarification - Response

Importance: High

Good morning, all,

It has been brought to our attention that county clerk offices as well as county commissioners are receiving questions/concerns/demands related to the certification of our elections systems, in particular the Dominion tabulators. As you all are aware, we have complied with all state and federal laws and requirements, and we can confidently respond that our systems are legally certified.

Any inquiries and/or demand letters received by our office related to misunderstandings of our certification process or demands to decertify the machines are being responded to with the following text. I am providing this as a sample to assist with a consistent response from all election administrators in the state.

Let me know if you have any questions.

Sample response:

The [insert county office] has received your letter demanding accredited certifications of voting systems used in the state. The State of New Mexico currently complies with all state and federal law regarding the recertification of our voting systems. All information regarding the recertification of our voting systems can be found online at the following URL:

https://www.sos.state.nm.us/voting-and-elections/data-and-maps/voting-system-certification-committee/

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Tuesday, November 29, 2022 4:57 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh; Juan E. Torres
Cc: SOS-Leadership; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] Certification of the 2022 General Election / Automatic Recount Order (signed copies)
Attachments: Signed_2022 General_Certificate of Election Results.pdf; Signed_Automatic Recount Order.pdf

Good afternoon,

Congratulations on the administration of a successful General Election! The State Canvassing Board convened this afternoon, certified the results and ordered the required automatic recounts. I have attached a copy of the Certificate of Election and the recount order for your reference. I will send additional procedures documents to the counties impacted by the recounts. Thank you all for all that you do; your hard work and partnerships are sincerely appreciated.

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

The Canvassing Board of the

STATE OF NEW MEXICO

CERTIFICATION OF THE STATEWIDE 2022 GENERAL ELECTION RESULTS

We, the undersigned, sitting as the State Canvassing Board of New Mexico to canvass the returns of the General Election held in said State, on November 8, 2022, certify that the foregoing is a complete and correct canvass of the returns of said election, as duly reported to the Board.

Given under our hand and the Great Seal of the State of New Mexico, at Santa Fe, New Mexico, this **29th day of November, 2022.**

STATE CANVASSING BOARD

Michelle Lujan Grisham
Governor

Maggie Toulouse Oliver
Secretary of State

C. Shannon
Chief Justice of the New Mexico Supreme Court

New Mexico State Canvassing Board

Order for Automatic Recount

2022 General Election

WHEREAS, NMSA 1978, Section 1-14-24(A)(3) provides that an automatic recount of the vote is required when the canvass of returns for a general election in certain offices indicates that the margin between the two candidates receiving the greatest number of votes for the office is less than one percent of the total votes cast for that office in that election; and

WHEREAS, NMSA 1978, Section 1-14-24(A) include the office of state representative; and

WHEREAS, NMSA 1978, Section 1-13-15, provides that the New Mexico State Canvassing Board is the proper canvassing board for State Representative, District 32 which includes three counties; and

WHEREAS, the canvass of returns for the November 8, 2022, General Election for State Representative, District 32, between Jenifer Marie Jones and Candie G Sweetser, resulted in a margin of 0.57 percent, which is less than one percent of the total votes cast for that office in Doña Ana County, Hidalgo County and Luna County; and

WHEREAS, NMSA 1978, Section 1-14-24(B), provides that the secretary of state shall file notice with the New Mexico State Canvassing Board within seven days after receiving notice from the county clerk following the completion of the county canvass that an automatic recount is required; and

WHEREAS, the canvass of returns for the November 8, 2022 General Election, for State Representative, District 68, between Robert Henry Moss and Charlotte L Little, resulted in a margin of 0.58 percent, which is less than one percent of the total votes cast for that office in Bernalillo County, and therefore an automatic recount is required in that contest; and

WHEREAS, on Tuesday, November 29, 2022, the Secretary of State, pursuant to NMSA 1978, Section 1-14-24(B), properly notified the New Mexico State Canvassing Board that, based upon the results of the November 8, 2022 General Election, an automatic recount is required for State Representative, District 32 and State Representative, District 68;

NOW THEREFORE IT IS ORDERED THAT:

A. Pursuant to NMSA 1978, Section 1-14-24, an automatic recount shall be conducted for State Representative, District 32 and State Representative 68;

B. The recount for State Representative, District 32, shall commence at 9:00 a.m. on Monday, December 5, 2022, in the affected counties as outlined herein:

- Doña Ana County Precincts 003, and 060; and
- Hidalgo County Precincts 001, 002, 003, 005, and 006; and
- Luna County Precincts 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, and 018; and

C. The recount for State Representative, District 68 for Bernalillo County, shall commence at 9:00 a.m. on Thursday, December 8, 2022, in the affected county as outlined herein:

- Bernalillo County Precincts 001, 019, 068, 080, 085, 087, 117, 127, 128, 129, 170, 175, 176, 177, 201, 217, 229, 230, 231, 261, 264, 606, 623, 625, 628, 631, 635, 636, 637, 641, 643, and 644; and

D. The New Mexico Secretary of State shall prescribe the conduct and procedures of the recount pursuant to NMSA 1978, Section 1-14-24(C).

Approved by the New Mexico State Canvassing Board this 29th day of November 2022:

Michelle Lujan Grisham, Governor of New Mexico

Maggie Toulouse Oliver, New Mexico Secretary of State

C. Shannon Bacon, Chief Justice of the New Mexico Supreme Court

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Tuesday, August 30, 2022 4:29 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: SOS-Leadership; SOS-Bureau of Elections; Vigil, Mandy, SOS; Lamb, William, SOS; francisco.padilla@dominionvoting.com; David Davoust; Aaron Davis, Robis; Ernie Marquez, AES; Adrian Leyva; Enrique Baca
Subject: [EXTERNAL SENDER] Constitutional Amendments and General Obligation Bonds (2022 General)
Attachments: 2022 CA and GOB Questions.pdf; 2022 CA and GOB Questions.docx; CA1-HJR1-2021.pdf; CA2-2022.pdf; SJR3-CA3-2022.pdf; CH55-HB153-2022.pdf

Good afternoon,

Pursuant to 1-16-3(A), NMSA 1978, attached you will find a copy of the statewide Constitutional Amendments and General Obligation Bonds (first and second attachments), along with the chaptered legislation (the other four documents). In accordance with 1-16-4(C), NMSA 1978, please post the proposed constitutional amendments "beginning no later than sixty-seven days prior to the election at which the amendment is to be submitted to the voters of the state for their approval or rejection" (this should be complete no later than Tuesday, September 6, 2022).

As a reminder, posting is defined in 1-1-15, NMSA 1978.

> **1-1-15. Posting.**
>
> A. As used in the Election Code, "posting" means posting from the date a posting is required until forty-five days after adjournment of the state or county canvassing board or until forty-five days following any recount, contest or other judicial inquiry, whichever is later.
>
> B. A posting as described in Subsection A of this section is satisfied by posting on the website and in a public area in the office of:
>
> (1) the secretary of state, when the secretary of state has the duty to post; or
>
> (2) the county clerk, when the county clerk has the duty to post.

If you have any questions, let us know: nmclerks@state.nm.us. Have a lovely day!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election

Statewide Constitutional Amendments and General Obligation Bonds

CONSTITUTIONAL AMENDMENTS:

Constitutional Amendment 1:
PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT SCHOOL FUND FOR ENHANCED INSTRUCTION FOR STUDENTS AT RISK OF FAILURE, EXTENDING THE SCHOOL YEAR, TEACHER COMPENSATION AND EARLY CHILDHOOD EDUCATION; REQUIRING CONGRESSIONAL APPROVAL FOR DISTRIBUTIONS FOR EARLY CHILDHOOD EDUCATION.

Enmienda Constitucional 1:
SE PROPONE ENMENDAR EL ARTÍCULO 12, SECCIÓN 7 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER DISTRIBUCIONES ANUALES ADICIONALES DEL FONDO ESCOLAR PERMANENTE PARA LA INSTRUCCIÓN AUMENTADA DE ESTUDIANTES EN RIESGO DE FRACASO, EXTENDER EL AÑO ESCOLAR, COMPENSACIÓN PARA EDUCADORES Y EDUCACIÓN DE LA PRIMERA INFANCIA; REQUIRIENDO LA APROBACIÓN DEL CONGRESO SOBRE LAS DISTRIBUCIONES PARA EDUCACIÓN DE LA PRIMERA INFANCIA.

Constitutional Amendment 2:
PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER SIMILAR SERVICES AS PROVIDED BY LAW, UPON THE ENACTMENT OF GENERAL IMPLEMENTING LEGISLATION BY A MAJORITY VOTE OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE.

Enmienda Constitucional 2:
SE PROPONE ENMENDAR EL ARTÍCULO 9, SECCIÓN 14 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PERMITIR INVERSIÓN PÚBLICA PARA PROVEER ACCESO A SERVICIOS ESENCIALES DEL HOGAR, INCLUYENDO INTERNET, ENERGÍA, AGUA, AGUAS RESIDUALES Y OTROS SERVICIOS SIMILARES SEGÚN LO PREVISTO POR LA LEY, CUANDO SE ESTABLEZCA LA LEGISLACIÓN GENERAL DE IMPLEMENTACIÓN POR VOTO MAYORITARIO DE LOS MIEMBROS ELECTOS A CADA CÁMARA DE LA LEGISLATURA.

Constitutional Amendment 3:
PROPOSING TO AMEND ARTICLE 6, SECTION 35 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT AN APPOINTED JUDGE SERVE AT LEAST ONE YEAR BEFORE A GENERAL ELECTION IS HELD FOR THE OFFICE TO WHICH THE JUDGE WAS APPOINTED.

Enmienda Constitucional 3:
SE PROPONE ENMENDAR EL ARTÍCULO 6, SECCIÓN 35 DE LA CONSTITUCIÓN DE NUEVO MÉXICO PARA PROVEER QUE UN JUEZ DESIGNADO SIRVA POR LO MENOS UN AÑO ANTES DE QUE SE ADMINISTRE UNA ELECCIÓN GENERAL PARA EL CARGO AL QUE EL JUEZ FUE DESIGNADO.

GENERAL OBLIGATION BONDS:

Bond Question 1
THE 2022 CAPITAL PROJECTS GENERAL OBLIGATION BOND ACT AUTHORIZES THE ISSUANCE AND SALE OF SENIOR CITIZEN FACILITY IMPROVEMENT, CONSTRUCTION AND EQUIPMENT ACQUISITION BONDS. SHALL THE STATE BE AUTHORIZED TO ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED TWENTY-FOUR MILLION FOUR HUNDRED SEVENTY THOUSAND DOLLARS ($24,470,000) TO MAKE CAPITAL EXPENDITURES FOR CERTAIN SENIOR CITIZEN FACILITY IMPROVEMENT, CONSTRUCTION AND EQUIPMENT ACQUISITION PROJECTS AND PROVIDE FOR A GENERAL PROPERTY TAX IMPOSITION AND LEVY FOR THE PAYMENT OF PRINCIPAL OF, INTEREST ON AND EXPENSES INCURRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND THE COLLECTION OF THE TAX AS PERMITTED BY LAW?

Pregunta de Bonos 1
LA LEY DE BONOS DE OBLIGACIÓN GENERAL DE PROYECTOS DE CAPITAL DE 2022 AUTORIZA LA EMISIÓN Y VENTA DE BONOS PARA LA MEJORA DE INSTALACIONES, CONSTRUCCIÓN Y LA ADQUISICIÓN DE EQUIPOS PARA PERSONAS DE EDAD AVANZADA. ¿ESTARÁ EL ESTADO AUTORIZADO A EMITIR BONOS DE OBLIGACIÓN GENERAL POR UNA CANTIDAD QUE NO EXCEDA LOS VEINTICUATRO MILLONES, CUATROCIENTOS SETENTA MIL DÓLARES ($24,470,000) PARA REALIZAR GASTOS DE CAPITAL PARA CIERTOS PROYECTOS DE MEJORA DE INSTALACIONES, CONSTRUCCIÓN Y ADQUISICIÓN DE EQUIPO PARA PERSONAS DE EDAD AVANZADA Y PROVEER UNA IMPOSICIÓN GENERAL DE IMPUESTOS SOBRE LA PROPIEDAD Y RECAUDAR EL PAGO DEL CAPITAL, LOS INTERESES Y LOS GASTOS INCURRIDOS EN RELACIÓN CON LA EMISIÓN DE LOS BONOS Y EL COBRO DEL IMPUESTO SEGÚN LO PERMITIDO POR LA LEY?

Bond Question 2
THE 2022 CAPITAL PROJECTS GENERAL OBLIGATION BOND ACT AUTHORIZES THE ISSUANCE AND SALE OF LIBRARY ACQUISITION BONDS. SHALL THE STATE BE AUTHORIZED TO ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED NINETEEN MILLION TWO HUNDRED SIXTY-SIX THOUSAND DOLLARS ($19,266,000) TO MAKE CAPITAL EXPENDITURES FOR ACADEMIC, PUBLIC SCHOOL, TRIBAL AND PUBLIC LIBRARY RESOURCE ACQUISITIONS AND PROVIDE FOR A GENERAL PROPERTY TAX IMPOSITION AND LEVY FOR THE PAYMENT OF PRINCIPAL OF, INTEREST ON AND EXPENSES INCURRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND THE COLLECTION OF THE TAX AS PERMITTED BY LAW?

Pregunta de Bonos 2
LA LEY DE BONOS DE OBLIGACIÓN GENERAL DE PROYECTOS DE CAPITAL DE 2022 AUTORIZA LA EMISIÓN Y VENTA DE BONOS PARA LA ADQUISICIÓN DE RECURSOS BIBLIOTECARIOS. ¿ESTARÁ EL ESTADO

AUTORIZADO A EMITIR BONOS DE OBLIGACIÓN GENERAL POR UNA CANTIDAD QUE NO EXCEDA LOS DIECINUEVE MILLONES DOSCIENTOS SESENTA Y SEIS MIL DÓLARES ($19,266,000) PARA REALIZAR GASTOS DE CAPITAL PARA LA ADQUISICIÓN DE RECURSOS PARA BIBLIOTECAS ACADÉMICAS, DE ESCUELAS PÚBLICAS, TRIBALES Y PÚBLICAS Y PROVEER UNA IMPOSICIÓN GENERAL DE IMPUESTOS SOBRE LA PROPIEDAD Y RECAUDAR EL PAGO DEL CAPITAL, LOS INTERESES Y LOS GASTOS INCURRIDOS EN RELACIÓN CON LA EMISIÓN DE LOS BONOS Y EL COBRO DEL IMPUESTO SEGÚN LO PERMITIDO POR LA LEY?

Bond Question 3

THE 2022 CAPITAL PROJECTS GENERAL OBLIGATION BOND ACT AUTHORIZES THE ISSUANCE AND SALE OF HIGHER EDUCATION, SPECIAL SCHOOLS AND TRIBAL SCHOOLS CAPITAL IMPROVEMENT AND ACQUISITION BONDS. SHALL THE STATE BE AUTHORIZED TO ISSUE GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTEEN MILLION NINE HUNDRED EIGHTY-SIX THOUSAND DOLLARS ($215,986,000) TO MAKE CAPITAL EXPENDITURES FOR CERTAIN HIGHER EDUCATION, SPECIAL SCHOOLS AND TRIBAL SCHOOLS CAPITAL IMPROVEMENTS AND ACQUISITIONS AND PROVIDE FOR A GENERAL PROPERTY TAX IMPOSITION AND LEVY FOR THE PAYMENT OF PRINCIPAL OF, INTEREST ON AND EXPENSES INCURRED IN CONNECTION WITH THE ISSUANCE OF THE BONDS AND THE COLLECTION OF THE TAX AS PERMITTED BY LAW?

Pregunta de Bonos 3

LA LEY DE BONOS DE OBLIGACIÓN GENERAL DE PROYECTOS DE CAPITAL DE 2022 AUTORIZA LA EMISIÓN Y VENTA DE BONOS PARA LA ADQUISICIÓN Y MEJORA DE ESCUELAS DE EDUCACIÓN SUPERIOR, ESCUELAS ESPECIALES Y ESCUELAS TRIBALES. ¿ESTARÁ EL ESTADO AUTORIZADO A EMITIR BONOS DE OBLIGACIÓN GENERAL POR UNA CANTIDAD QUE NO EXCEDA LOS DOSCIENTOS QUINCE MILLONES NOVECIENTOS OCHENTA Y SEIS MIL DÓLARES ($215,986,000) PARA REALIZAR GASTOS DE CAPITAL PARA LAS MEJORAS Y ADQUISICIONES DE CIERTAS ESCUELAS DE EDUCACIÓN SUPERIOR, ESCUELAS ESPACIALES Y ESCUELAS TRIBALES Y PROVEER UNA IMPOSICIÓN GENERAL DE IMPUESTOS SOBRE LA PROPIEDAD Y RECAUDAR EL PAGO DEL CAPITAL, LOS INTERESES Y LOS GASTOS INCURRIDOS EN RELACIÓN CON LA EMISIÓN DE LOS BONOS Y EL COBRO DEL IMPUESTO SEGÚN LO PERMITIDO POR LA LEY?

The Legislature

of the

State of New Mexico

55th **Legislature**, 1st **Session**

LAWS 2021

CHAPTER CA1

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR

HOUSE JOINT RESOLUTION 1, as amended

Introduced by

CA1

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 12, SECTION 7 OF THE CONSTITUTION OF NEW MEXICO TO PROVIDE FOR ADDITIONAL ANNUAL DISTRIBUTIONS OF THE PERMANENT SCHOOL FUND FOR ENHANCED INSTRUCTION FOR STUDENTS AT RISK OF FAILURE, EXTENDING THE SCHOOL YEAR, TEACHER COMPENSATION AND EARLY CHILDHOOD EDUCATION; REQUIRING CONGRESSIONAL APPROVAL FOR DISTRIBUTIONS FOR EARLY CHILDHOOD EDUCATION.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. It is proposed to amend Article 12, Section 7 of the constitution of New Mexico to read:

"A. As used in this section, "land grant permanent funds" means the permanent school fund described in Article 12, Section 2 of this constitution and all other permanent funds derived from lands granted or confirmed to the state by the act of congress of June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and state government and be admitted into the union on an equal footing with the original states.".

B. The land grant permanent funds shall be invested by the state investment officer in accordance with policy rules promulgated by the state investment council.

C. In making investments, the state investment officer, under the supervision of the state investment

council, shall invest and manage the land grant permanent funds in accordance with the Uniform Prudent Investor Act.

D. The legislature may establish criteria for investing the land grant permanent funds if the criteria are enacted by a three-fourths' vote of the members elected to each house, but investment of the land grant permanent funds is subject to the following restrictions:

(1) not more than sixty-five percent of the book value of the land grant permanent funds shall be invested at any given time in corporate stocks;

(2) not more than ten percent of the voting stock of a corporation shall be held; and

(3) stocks eligible for purchase shall be restricted to those stocks of businesses listed upon a national stock exchange or included in a nationally recognized list of stocks.

E. All additions to the land grant permanent funds and all earnings, including interest, dividends and capital gains from investment of the land grant permanent funds shall be credited to the land grant permanent funds.

F. The annual distributions from the land grant permanent funds to the beneficiaries specified in the Ferguson Act and the Enabling Act shall be five percent of the average of the year-end market values of the land grant permanent funds for the immediately preceding five calendar

years.

G. In addition to the annual distributions made pursuant to Subsection F of this section, unless suspended pursuant to Subsection J of this section, an annual distribution of one and one-fourth percent of the average of the year-end market value of the permanent school fund for the immediately preceding five calendar years shall be made as provided in Subsection H of this section; provided that the additional distribution shall not be made in any fiscal year if the average of the year-end market values of the land grant permanent funds for the immediately preceding five calendar years is less than seventeen billion dollars ($17,000,000,000).

H. Unless suspended pursuant to Subsection G or J of this section, the additional distribution from the permanent school fund provided for in Subsection G of this section shall be as follows and as provided by law:

(1) forty percent of the additional distribution shall be for the public school permanent fund beneficiary for enhanced instruction for students at risk of failure, extending the school year and public school teacher compensation; and

(2) sixty percent of the additional distribution shall be for the provision of early childhood education.

I. As used in this section, "early childhood education" means nonsectarian and nondenominational education for children until they are eligible for kindergarten.

J. The legislature, by a three-fifths' vote of the members elected to each house, may suspend any additional distribution provided for in Subsection G of this section."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose.

SECTION 3. The distribution provided for in Paragraph (2) of Subsection H of Section 7 of Article 12 of the constitution of New Mexico shall not become effective without the consent of congress.

Brian Egolf, Speaker
House of Representatives

Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

Howie C. Morales, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

The Legislature

of the

State of New Mexico

55th **Legislature,** 2nd **Session**

LAWS 2022

CHAPTER CAS

HOUSE JOINT RESOLUTION 1, as amended

Introduced by

REPRESENTATIVE ANTHONY ALLISON
REPRESENTATIVE CHRISTINE CHANDLER
REPRESENTATIVE CANDIE G. SWEETSER
REPRESENTATIVE LINDA M. SERRATO
REPRESENTATIVE TARA L. LUJAN
REPRESENTATIVE JAVIER MARTÍNEZ

CAS

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 9, SECTION 14 OF THE CONSTITUTION OF NEW MEXICO TO ALLOW PUBLIC INVESTMENT TO PROVIDE ACCESS TO ESSENTIAL HOUSEHOLD SERVICES, INCLUDING INTERNET, ENERGY, WATER, WASTEWATER AND OTHER SIMILAR SERVICES AS PROVIDED BY LAW, UPON THE ENACTMENT OF GENERAL IMPLEMENTING LEGISLATION BY A MAJORITY VOTE OF THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. It is proposed to amend Article 9, Section 14 of the constitution of New Mexico to read:

"Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through H of this section.

A. Nothing in this section prohibits the state or any county or municipality from making provision for the care and maintenance of sick and indigent persons.

B. Nothing in this section prohibits the state from establishing a veterans' scholarship program for Vietnam

conflict veterans who are post-secondary students at educational institutions under the exclusive control of the state by exempting such veterans from the payment of tuition. For the purposes of this subsection, a "Vietnam conflict veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces from New Mexico or who has lived in New Mexico for ten years or more and who has been awarded a Vietnam campaign medal for service in the armed forces of this country in Vietnam during the period from August 5, 1964 to the official termination date of the Vietnam conflict as designated by executive order of the president of the United States.

C. The state may establish by law a program of loans to students of the healing arts, as defined by law, for residents of the state who, in return for the payment of educational expenses, contract with the state to practice their profession for a period of years after graduation within areas of the state designated by law.

D. Nothing in this section prohibits the state or a county or municipality from creating new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses if this assistance is granted pursuant to general implementing legislation that is approved by a majority vote of those elected to each house of

the legislature. The implementing legislation shall include adequate safeguards to protect public money or other resources used for the purposes authorized in this subsection. The implementing legislation shall further provide that:

(1) each specific county or municipal project providing assistance pursuant to this subsection need not be approved by the legislature but shall be approved by the county or municipality pursuant to procedures provided in the implementing legislation; and

(2) each specific state project providing assistance pursuant to this subsection shall be approved by law.

E. Nothing in this section prohibits the state, or the instrumentality of the state designated by the legislature as the state's housing authority, or a county or a municipality from:

(1) donating or otherwise providing or paying a portion of the costs of land for the construction on it of affordable housing;

(2) donating or otherwise providing or paying a portion of the costs of construction or renovation of affordable housing or the costs of conversion or renovation of buildings into affordable housing; or

(3) providing or paying the costs of

financing or infrastructure necessary to support affordable housing projects.

F. The provisions of Subsection E of this section are not self-executing. Before the described assistance may be provided, enabling legislation shall be enacted by a majority vote of the members elected to each house of the legislature. This enabling legislation shall:

(1) define "affordable housing";

(2) establish eligibility criteria for the recipients of land, buildings and infrastructure;

(3) contain provisions to ensure the successful completion of affordable housing projects supported by assistance authorized pursuant to Subsection E of this section;

(4) require a county or municipality providing assistance pursuant to Subsection E of this section to give prior formal approval by ordinance for a specific affordable housing assistance grant and include in the ordinance the conditions of the grant;

(5) require prior approval by law of an affordable housing assistance grant by the state; and

(6) require the governing body of the instrumentality of the state, designated by the legislature as the state's housing authority, to give prior approval, by resolution, for affordable housing grants that are to be

given by the instrumentality.

G. Nothing in this section prohibits the state from establishing a veterans' scholarship program, for military war veterans who are post-secondary students at educational institutions under the exclusive control of the state and who have exhausted all educational benefits offered by the United States department of defense or the United States department of veterans affairs, by exempting such veterans from the payment of tuition. For the purposes of this subsection, a "military war veteran" is any person who has been honorably discharged from the armed forces of the United States, who was a resident of New Mexico at the original time of entry into the armed forces or who has lived in New Mexico for ten years or more and who has been awarded a southwest Asia service medal, global war on terror service medal, Iraq campaign medal, Afghanistan campaign medal or any other medal issued for service in the armed forces of this country in support of any United States military campaign or armed conflict as defined by congress or by presidential executive order or any other campaign medal issued for service after August 1, 1990 in the armed forces of the United States during periods of armed conflict as defined by congress or by executive order.

H. Nothing in this section prohibits the state from expending state funds or resources for the purpose of

providing essential services primarily for residential purposes if the assistance is granted pursuant to general implementing legislation approved by a majority vote of those elected to each house of the legislature. The implementing legislation shall provide for accessibility to essential services primarily for residential purposes and include safeguards to protect public money and other public resources used for the purposes authorized in this subsection. As used in this subsection, "essential services" means infrastructure that allows internet, energy, water, wastewater or other similar services as provided by law."

SECTION 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next regular election or at any special election prior to that date that may be called for that purpose.

Brian Egolf, Speaker
House of Representatives

Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

Howie C. Morales, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Thursday, November 3, 2022 4:24 PM
To: Hogland, Annie; Ancira, Adrian
Cc: Vigil, Mandy, SOS
Subject: [EXTERNAL SENDER] Curry County Watchers - Election Day - Common Cause
Attachments: Letter to Curry County_Common Cause NM Watchers.pdf

Good afternoon,

Attached is a list of approved watchers for your county. If you have any clarifying questions, let us know: nm.clerks@sos.nm.gov.

Thank you,

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

November 3, 2022

Re: Notification of 2022 General Election Watchers

Dear Clerk Hogland,

The Office of the Secretary of State has received notice of appointment for watchers throughout New Mexico from Common Cause New Mexico, pursuant to Section 1-2-27, NMSA 1978.

Please find the attached list of the appointed and approved watchers for Election Day. Each watcher has been provided an appointment letter from our office which must be presented to the precinct board. If the appropriate credentials are not provided, authorization into the polling place will be denied.

Pursuant to Section 1-2-29(A), NMSA 1978, permissible activities of an election watcher are as follows:

Upon presentation to a precinct board of a written appointment, a watcher or election observer may:

(1) be present at any time from the time the precinct board convenes at the polling place until the completion of the precinct board's duties after the polls close;
(2) be permitted to observe that the election is being conducted in accordance with the Election Code;
(3) view the precinct voter list to ascertain whether a voter has voted, subject to the same prohibitions and restrictions as are placed upon challengers by the Election Code;
(4) view any voting machine being used in the precinct in the same manner that challengers may examine the voting machines; and
(5) make in any polling place and preserve for future reference written memoranda of any action or omission on the part of any member of the precinct board charged with the performance of a duty by the Election Code.

Lastly, pursuant to Section 1-2-1.1 NMSA 1978, our office has again requested that the Office of the Attorney General assign investigators and attorneys to be stationed within our office and throughout the state to support the county clerks and allow for easier investigation in the event of a polling location disruption or other violation of the election code that may occur on Election Day. This is an attempt to support the county clerks and in all cases the county clerks will be notified by our office if we receive a notice of complaint or incident.

If we may be of further assistance, please feel free to contact our office at 505-827-3600. Thank you for all of your efforts in ensuring a secure election.

Sincerely,

Mandy Vigil,
State Elections Director

325 DON GASPAR, SUITE 300 | SANTA FE, NEW MEXICO 87501
PHONE: (505) 827-3600 or (800) 477-3632 | FAX: (505) 827-8081
WWW.SOS.STATE.NM.US

First Name	Last Name	County
Alan	Cohen	CURRY
Victoria	Robledo	CURRY

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Thursday, November 10, 2022 4:38 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com
Subject: [EXTERNAL SENDER] "Election Geek Speak" Slides / SOS State Canvass Timeline / Canvass Reminders
Attachments: ClerkPresentation_11.10.2022.pptx; BOE-Overview_November_PlanA.pdf

Good afternoon,

Attached is a copy of the slide deck for the clerk call this morning, as well as the SOS-BOE staff's state canvass timeline. As mentioned on the call, our team will be working through the weekend on inventory and 1st reviews, with the intention of reaching out to folks with any clarifying questions beginning on Monday, November 11. Please remember to lock your election when you are finished; SOS will pull reports and start our reviews once you have completed your canvass.

If you haven't already done so, please send us the date that your county canvass board will meet to certify results: nm.clerks@sos.nm.gov.

- Please remember that in accordance with 1-13-13, "The county canvassing board shall meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than ten days from the date of the election. A county canvassing board in a county with more than one hundred fifty thousand voters shall meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than thirteen days from the date of the election."

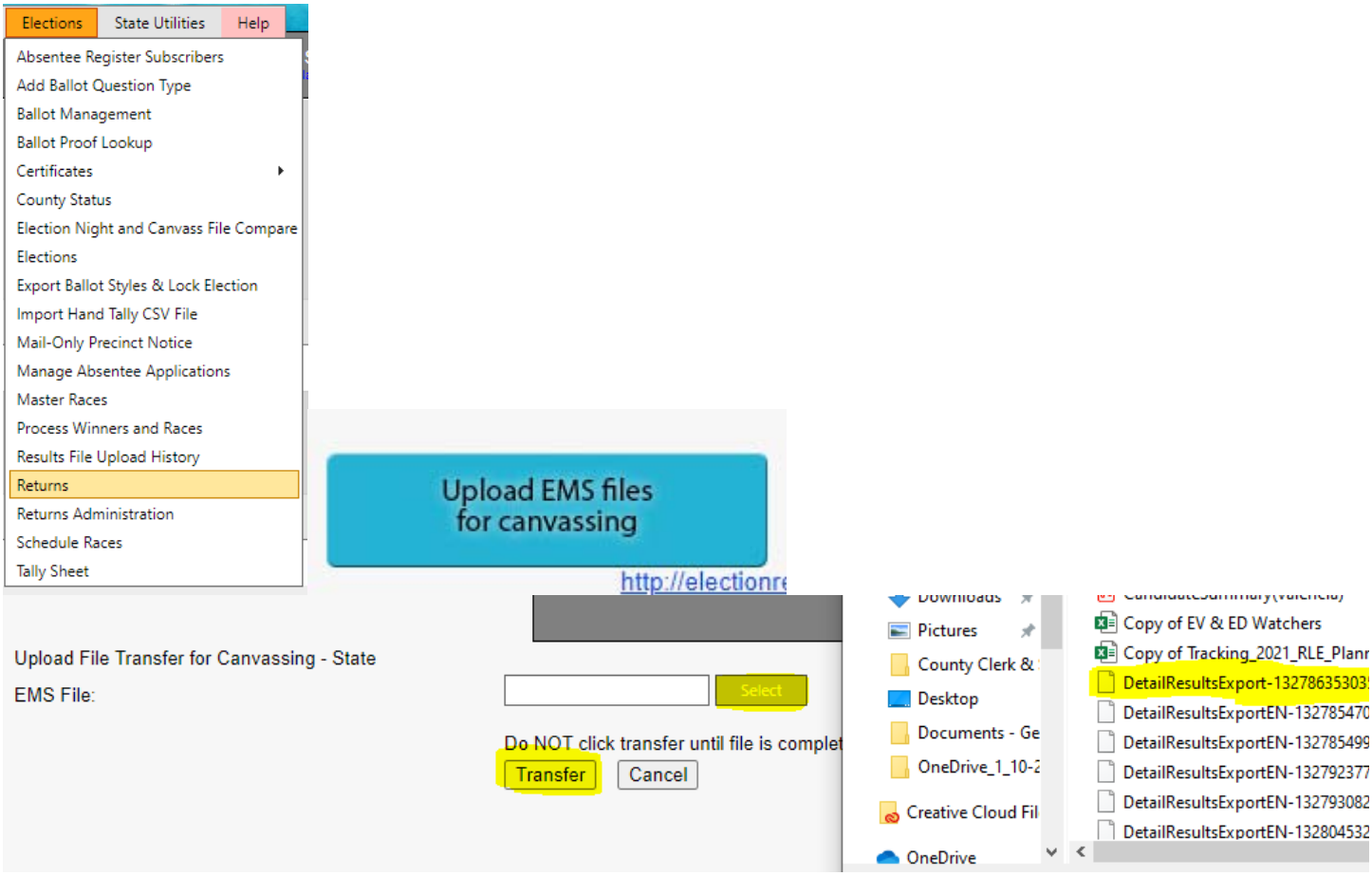
Additional Canvass Reminders:

1) Please ensure to send the signed, electronic (scanned) copy of your "certification of canvass results" after the board of canvass meeting. To find the certificate in SERVIS, please go to, Reporting > Election Canvassing > click on "View Certificate" button. This will generate the certificate that the board of canvass will need to sign. Send signed certificate to nm.clerks@sos.nm.gov.

2) Please send any amended Roster Reports, Hand Tally Sheets, Write-In Tally Sheets, and Provisional Tally Sheets to nm.clerks@sos.nm.gov, as soon as you are able to do so (ensure that any amended reports are signed by the election board).

3) We will need a point of contact for any canvass related questions we have; please let us know who is the best point of contact during business hours (name/phone number), and the best point of contact after hours/weekends (if different). I will be monitoring the helpdesk tomorrow/this weekend and will be your best point of contact if you have any questions: 505-827-3623.

4) Lastly, if you have not loaded your "detail results export" file for canvass into SERVIS, please do so as soon as possible. In SERVIS > Elections > Returns > Select "Upload EMS Files for canvassing" button > click on "select" button > find the detail results file for canvassing (note: detail results export file without "EN" in the file name, see screenshot below) > wait for file to load > then click transfer.



Thank you all – and have a peaceful evening! (And for those of you who are finished with your canvass, have a wonderful weekend!)

--

PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

BUREAU OF ELECTIONS – NOVEMBER OVERVIEW

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
OCTOBER 30	31 Regular Workday	**NOVEMBER** 1 Regular Workday (Deadline: Watchers)	2 Regular Workday	3 **Third General Report Due**	4 Regular Workday	5 Early Voting Ends!
6	7 Regular Workday	8 ****Election Day!****	9 Regular Workday (Canvass Inventory)	10 Regular Workday (Canvass Inventory)	11 Canvass Inventory / Canvass of Election	12 Canvass of Election
13 Canvass of Election	14 Canvass of Election	15 Canvass of Election	16 Canvass of Election	17 Canvass of Election Auditors Begin Work	18 Canvass of Election County Certification Deadline (all but Bernalillo)	19 Canvass of Election
20 Canvass of Election	21 Canvass of Election County Certification Deadline - Bernalillo	22 Canvass of Election	23 Canvass of Election Target Date to Complete Work	24 ****Holiday****	25 ****Holiday****	26 "Plan B" Work May Need to Continue on This Date
27 "Plan B" Work May Need to Continue on This Date	28 Canvass of Election	29 **State Certification Deadline**	30 Regular Workday	**DECEMBER** 1 Regular Workday	2 Regular Workday	3

Auditors will begin work on Thursday, November 17; the SOS will aim to have a minimum of 16 counties ready for audit.

SOS will be reaching out to counties regarding canvass clarifications during the week of the 14th, continuing through the weekend (19th and 20th), and the following week (21st – 23rd).

"Plan B" – If we cannot complete reviews by the 23rd, we will plan to work on the weekend of the 26th and up through the statewide certification deadline. In this scenario, counties will need to continue to have a point of contact that SOS staff can reach and work with to clarify/resolve discrepancies.

ELECTIONS GEEK SPEAK

GENERAL ELECTION 2022

NOVEMBER 10, 2022

SECTION 1:

Processing Provisionals

...Speaker is Typing...

Provisional Processing

- If issued for SDR: Process registration in portal first.
- If issued for any other reason: Status quo process, use existing registration information or “magic SSN” if there is not existing registration information.
- Update the record in SERVIS .
  - Voter Information Portal.
  - Provisional ballot register: public record and used for canvass.

SECTION 2:

IPRA Exemption

... Speaker is Typing...

IPRA Exemption

- Per, Section 1-12-69(G) paper ballots marked by voters, their digitized equivalents and records related to voting are exempt from IPRA for 45 days following any recount, contest or other judicial inquiry or until 45 after adjournment of the state or county canvass board, whichever is later.

SECTION 3:

Absentee Processing

...Speaker is Typing...

Absentee Processing

- Reminder: SOS provided guidance on absentee ballot qualification.
- 3 rejection reason based on legal options.
- Pursuant to Section 1-6-14 (J) – If a mailed ballot is rejected for any reason, it shall be handled in the same manner as a disqualified provisional paper ballot.

SECTION 4:

¡Canvassing!

… Speaker is Typing…

Canvassing Point of Contact

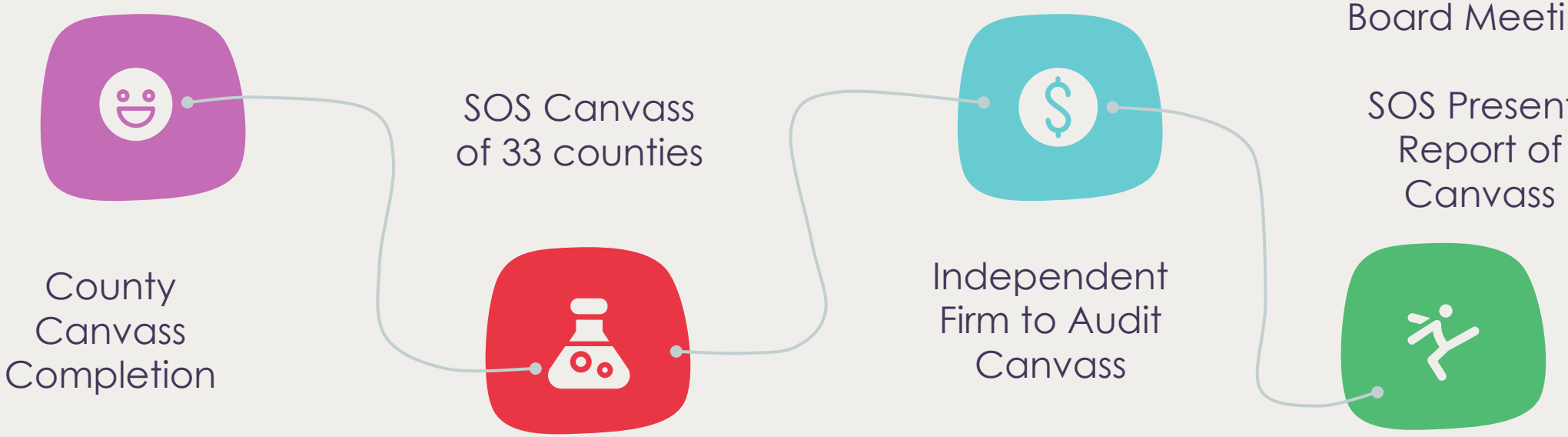
Please send us the following information for your county's canvass point of contact (to include weekend contact information if different):

- **Name**
- **Email**
- **Office Number**
- **Cell Phone Number**

Please also send us the date/time you have scheduled your county canvass board meeting.

Clerk Helpdesk: **nm.clerks@sos.nm.gov**

Canvassing Timeline



SOS Plan:

¡Calendar!

… Speaker is Typing…

Certification

- County clerk provides a canvass report to board.
- SOS provided a letter to clarify role of county commission.
- Statutory deadline must be met.

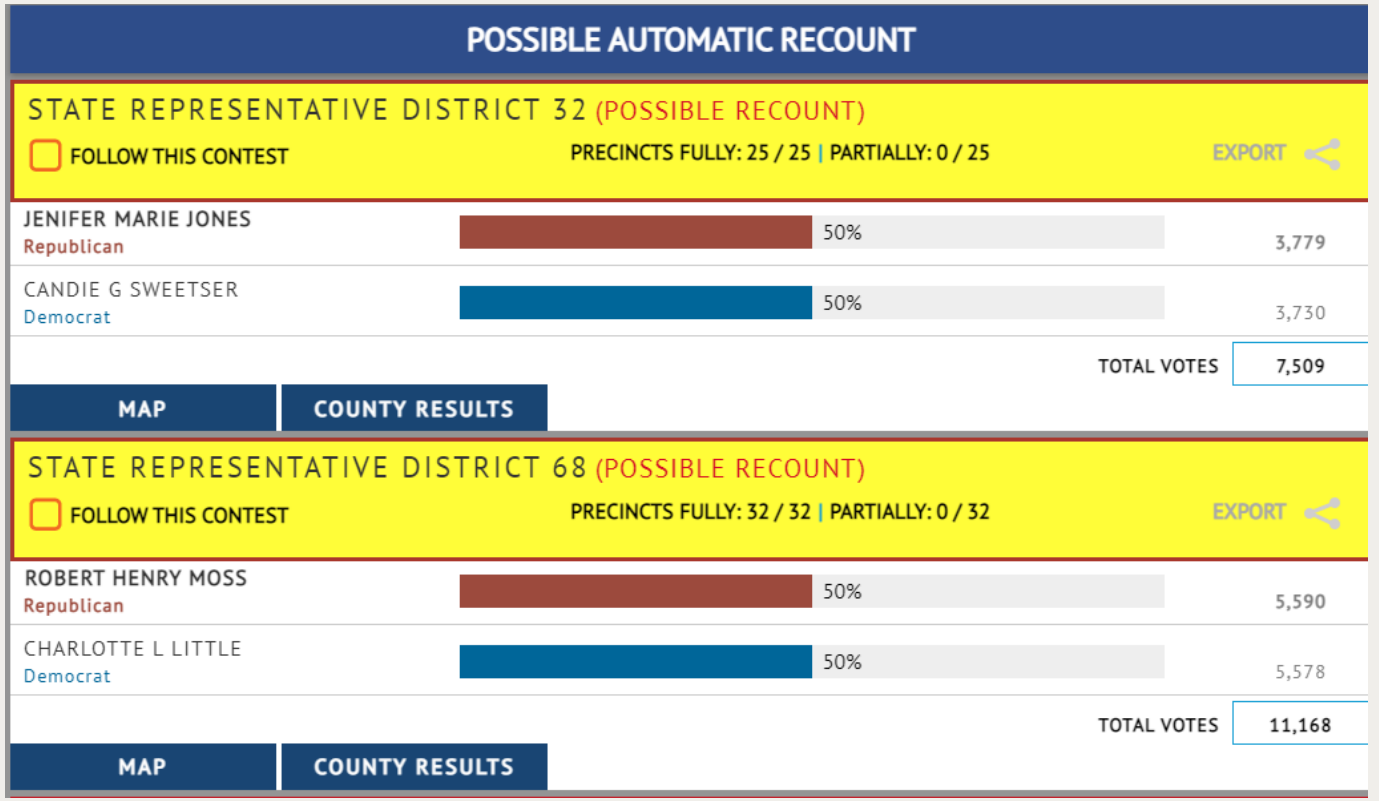
SECTION ¡:

Post-Election

…Speaker is Typing…

Recounts!

As of this morning there are two possible recounts:



POSSIBLE AUTOMATIC RECOUNT

STATE REPRESENTATIVE DISTRICT 32 (POSSIBLE RECOUNT)

FOLLOW THIS CONTEST

PRECINCTS FULLY: 25 / 25 | PARTIALLY: 0 / 25

EXPORT

JENIFER MARIE JONES Republican	50%	3,779
CANDIE G SWEETSER Democrat	50%	3,730

TOTAL VOTES 7,509

MAP | COUNTY RESULTS

STATE REPRESENTATIVE DISTRICT 68 (POSSIBLE RECOUNT)

FOLLOW THIS CONTEST

PRECINCTS FULLY: 32 / 32 | PARTIALLY: 0 / 32

EXPORT

ROBERT HENRY MOSS Republican	50%	5,590
CHARLOTTE L LITTLE Democrat	50%	5,578

TOTAL VOTES 11,168

MAP | COUNTY RESULTS

Machine Check

- Precinct Selection.
  - 12 days post election.
  - Auditor to send county clerk notice.
  - Clerk to complete within 10 days of notice.
  - Update Monday.

Thanks!

505.827.3600

nm.clerks@sos.nm.gov

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Thursday, August 11, 2022 2:19 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Eileen Davis; Michelle S. Kavanaugh
Cc: Vigil, Mandy, SOS; Rockstroh, Gregory, SOS; Lamb, William, SOS; Romero, Charles, SOS; Valdez, Felecia, SOS
Subject: [EXTERNAL SENDER] Election Readiness Check-ins & An FYI RE: Voter Reference Foundation
Attachments: 2022 General SERVIS Election Readiness Checklist.pdf; 2022 General- Attestation of Compliance - District Review.pdf

Good afternoon,

Please take a moment to review the attached documents (Election Readiness Checklist and Attestation of Districts), and the dates/times listed below; select your top three preferred time slots and email those to: **nmclerks@state.nm.us.**

We will do our best to accommodate folks; if the times you select are no longer available, we'll reach out with some options (please note: there are a few times that are greyed out due to prior commitments that SOS staff have).

2022 General Election: Election Readiness Check-In Tim					
WEEK ONE	8/15/2022	8/16/2022	8/17/2022	8/18/2022	8/19/20
Time Slots	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 am - 10:00 am					
10:00 am - 11:00 am					
11:00 am - 12:00 pm					
1:00 pm - 2:00 pm					
2:00 pm - 3:00 pm					
3:00 pm - 4:00 pm					
WEEK TWO	8/22/2022	8/23/2022	8/24/2022	8/25/2022	8/26/20
Time Slots	Monday	Tuesday	Wednesday	Thursday	Friday
9:00 am - 10:00 am					
10:00 am - 11:00 am					
11:00 am - 12:00 pm					
1:00 pm - 2:00 pm					
2:00 pm - 3:00 pm					
3:00 pm - 4:00 pm					

Once the appointment time is confirmed, a member of our team will send a confirmation email that will contain a link to the zoom meeting.

In addition to the readiness check-ins, I will be sending a separate email to each county with the "out of precinct" voter list, as well as the map & login information (to access the map). You can begin working on your street file maintenance, and we'll also be available to answer questions and providing assistance during your readiness check-in, should you need it.

****

Lastly, many of you may be receiving inquiries from voters in your county about the Voter Reference Foundation and the recent court ruling that allows New Mexico's voter rolls to be placed publicly online. Our office has created a page to answer any questions and concerns for the voters of New Mexico. Please feel free to use the link to aid in communications with voters who may have questions: https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/rumor-vs-reality/

****

If you have any clarifying questions, please let us know. Have a lovely day!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DISTRICT REVIEW – 2022 GENERAL

ATTESTATION OF COMPLIANCE

By signing below, I, _____ attest that _____County has:
(Print name) *(County)*

- Reviewed all precinct parts to district relationships in the county;
- Ensured that each precinct part has only one of each type of district associated with it;
- Ensured that each of these district and precinct part associations are correct;

I understand that any changes or corrections needed after my county has signed off on our election project will incur additional costs.

I also understand that any additional costs incurred due to changes or corrections made after my county has signed off on our election project, will be the responsibility of my county.

_____ _____
Signature of County Clerk Date Signed

Notary Statement:

I, _____, Notary for the State of New Mexico in the County of _____,

confirm that the document was attested before me on _____.

_____
Signature of Notary

(Seal or stamp above)

My Commission Expires: _____

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

SERVIS ELECTION READINESS CHECKLIST – 2022 GENERAL

Checklist and SERVIS Reports must be sent via email to ***nmclerks@state.nm.us*** no later than September 2, 2022

County: _____

Preliminary Checks:

(Initial here)

_____ Verify that county user accounts are accurate (active, inactive, user roles…etc).

_____ Verify that users are in current election ("2022 General Election – 11/8/2022").

_____ Ensure you have adequate YubiKeys for temporary staff added during the election.[1]

District Review:

(Initial here)

_____ Verify precinct parts to district relationships are correct:

- Check that each precinct part has only one of each type of district (for example a location can only be covered by one soil and water district)
- Please print out and initial the reports found under Reporting > Ballot Proofing:
  - Districts in Precinct Parts.
  - Precinct Parts in Districts. *(This report will need to be printed, each applicable district initialed and sent to BOE via email as soon as practical: nmclerks@state.nm.us).*

_____ Sign and return the "District Review Attestation of Compliance" *(This item requires notarization; it will need to be completed and returned to the BOE, along with the Precinct Parts in Districts report as soon as practical: nmclerks@state.nm.us).*

Election Set-Up:

(Initial here)

_____ Enter "County Races" > Elections > Ballot Management.

- This includes single-county legislative districts (multi-county legislative districts are added by SOS).

_____ Verify that polling place to precinct relationships are correct:

- Only polling places with at least one precinct assigned are in use for this election.
- Use the following report to verify all precinct relationships are correct:
  Reporting > Ballot Proofing >
  - Polling Place - Tabulator - Precinct;
  - Polling Place - Voting Method Precinct; and
  - Polling Place - Voting Method.
- Spare locations should be associated with all precincts in the county.

_____ Verify that polling place information is correct:

- Each polling place should be marked as one of the following: Absentee Site, Early Site or Election Day Site.
- If you have polling locations on Native American reservations, indicate that as well.
- Dates and Hours of Operation are configured/listed.
- Create a spare location for Absentee, Early and Election Day.[2]
- Export is available on the master Polling Place Page if desired.
- Verify that all applicable EV/ED polling locations have the SDR box checked under Master List of Polling Places page.
- If applicable, verify mail-only precincts are flagged as mail only and ensure that those precincts are added in EV and ED polling locations.

_____ Ensure tabulator configuration is correct:

- Counting group assignments match the linked polling location's counting group.[3]
- Device type (ICE / ICC) is correct (very important for proper card programming).
- Spares are right for your plan (spare cards & tabulators / 2nd set of cards for all tabulators). [4]
- Use the following report to verify all Tabulator and Precinct relationships are correct: Reporting > Ballot Proofing: Polling Place – Tabulator – Precinct or Precinct – Polling Place – Tabulator.

_____ Verify races and candidates are correct:

- Verify each and every candidate (name, last name, suffix) – aligns with the VR records as of the date the proclamation was published (January 31, 2022).
  - Verify candidate information and spelling is correct; refer to Section 1-10-6, NMSA 1978.
- Ensure all candidates have been qualified (not in a pending status).
- For county races and single-county races, ensure all candidates have been assigned a ballot order. (Ballot order for multi-county races will be completed by SOS).
- Verify race order is correct.
- Use the candidate portal as an additional way to verify the candidate: https://candidateportal.servis.sos.state.nm.us/CandidateList.aspx?eid=2782&cty=99

_____ Ballot questions are complete and correct (English and Spanish).

- Verify each word of each question including punctuation, dollar signs, and commas to ensure it is correct.
- Question titles should be unique (i.e. if you have two or more bond questions, they cannot all be titled "General Obligation Bond").
- Questions are in proper sequence (lowest sequence number will be listed first on ballot).
- Sequence numbers for county questions are between 915 and 975.[9]
  - NOTE: For multi-county questions, counties will need to work with each other to ensure that the proper sequencing is applied.
- The ballot question(s) will need to be manually entered in both English and Spanish.
- In Spanish, an upside-down question mark should be added at the beginning of the question.
- If the text is copied and pasted into the question box, remove any extra spaces. (Best Practice: Copy text submitted into a word document/text file to remove extra spaces and odd formatting).

- The choice (for/against; yes/no) should not go in the question box.
- No quotation marks should appear in the text boxes.
- The question should not appear in all caps.

_____ Verify Ballot content by precinct by using the Ballot Proof Lookup tool in SERVIS > Elections> Ballot Lookup Tool.

_____ Create "Ballot Styles" (SERVIS > Ballot Management > Ballot Styles > Create Ballot Styles[5]).
- If you see blank styles, there are precinct parts that are not associated with the proper precinct.

_____ Verify ballot content by precinct (SERVIS > Elections > Ballot Proof Lookup)
_____ Verify that polling places on the public "Voter Information Portal" (VIP) are correct:
- Spot check until you are comfortable.
- Note: Any notes added in "Special Instructions" will be visible to the public.

_____ SDR Readiness:
- Ensure you have all links related to SDR.
  - SAME DAY REGISTRATION SUBMISSION: https://portal.sos.state.nm.us/SDRApp/loginpage.aspx
  - SAME DAY REGISTRATION AUDIT TRAIL https://portal.sos.state.nm.us/sdrshow/
- In Clerk's portal, create credentials for all of your county SDR users: https://portal.sos.state.nm.us/ClerksPortal/LoginPage.aspx?ReturnUrl=%2fClerksPortal%2fDefault.aspx
- Update the list of users that will receive SDR email notifications.

Upon review of all items above, complete the following tasks:

_____ **Lock your Election in SERVIS** > Export Ballot Styles & Lock Election:
- Lock Election and Release information to VIP will lock Ballot Management;
- Lock Districts and Precincts for Election will lock Manage District and Precincts Parts Assignment.
- Lock Polling Places for Election will lock Master list of Polling Places, Assign Precincts and Polling Places Districts and Precincts;
- Lock tabulators for Election will lock all tabulators.

_____ Mock Election Readiness: Informational Note.
- Mock Election[6] Webinar; Invite will come via email/calendar invite.
  - Round 1: Tentatively scheduled for the week of October 3, 2022.
  - Round 2: Tentatively scheduled for the week of October 10, 2022.
  - Round 3: Tentatively scheduled for the week of October 17, 2022.
- Verify you have access to the Clerk's Portal to report any issues related to Mock Election
- NOTE: County will need to upload RTR report- Election Summary to Clerk's portal.
  - Laptop, USB and passwords should all be tested as part of mock election, in preparation for election night uploads.

Other Checks

_____ Verify access to Dominions' Dropbox site for election project delivery.

_____ Post-Mock election: Check-in with BOD vendors to confirm that test data has been cleared from their systems prior to the start of voting.

_____ Ensure systems that need to be connected to each other (ICE to BOD) are connected.

_____ Ensure that tabulator serial numbers are entered in Clerks Portal.

_____ Ensure that you discuss your early vote counts[7] with your BOD vendor.

For problems, please contact the SOS at *nmclerks@state.nm.us*

NOTES:

1. Additional YubiKeys may be purchased. See the Help Menu in SERVIS for more information
2. Assumes that spare plan will include spare tabulators that are able to be rapidly deployed to any polling place when needed.

   !!! Important !!!

   When a spare tabulator is deployed, it should be deployed based on counting group. (i.e. Early spares to Early Sites, Election Day spares to Election Day Sites, etc.). Crossing of counting groups can easily happen and will affect difficulty of canvass; review these items thoroughly before you lock your election.

   !!! Important !!!
3. SERVIS does not catch mismatches between Polling Place Counting Group and Tabulator Counting Group at this time.
4. Best practice is to program distinct spare tabulators and NOT rely on a second set of cards for an existing tabulator.
5. Ballot styles may be rerun as often as necessary to check for the expected output until the election is locked.
6. Mock election ballot proofing will be done in SERVIS. Mock election reporting will still be done via the Clerk's Portal.
7. During the election, EV #'s will be reported by BOD vendors or entered manually by County Clerk Staff. Ensure this process is in place with each of your vendors.
8. Question sequence numbers 900 – 914 and 976 – 999 are reserved for State-Level questions.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Wednesday, October 26, 2022 12:40 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com; David Davoust; Aaron Davis, Robis; Ernie Marquez; Enrique Baca
Subject: [EXTERNAL SENDER] Election Updates

Importance: High

Good afternoon, all,

Based on questions received , I am providing clarity on a few items to make sure we are all on the same page.

- Hand tally board processing
  - All ballots that require a hand tally should be provided to the county clerk's office and completed at a centralized location not at each individual polling location
    - Hand tallied ballots include: Provisional, write-in, UOCAVA, and any ballot that cannot be read by the machine
  - Tallying can be completed by either your absentee board or you may appoint a special board that you create to complete this process
  - Tallying does not have to be completed on election night

- Notice of election
  - Statewide questions are published by the SOS
  - Counties are not responsible for including the statewide questions in their notice
    - A county may choose to include the statewide question at their own cost

- Voters bringing their own pens to the polling location
  - Please guide voters that are participating in person to use the pens provided.
  - Use of alternate colors or types of pens will increase the opportunity for ballot misreads and slowdown the voting process
  - **Reference:** Section 1-12-25.1. Procedures for voting on electronic vote tabulator systems.
    A voter using an electronic vote tabulator system to vote shall:
    A. receive a ballot issued by the precinct board;
    B. take the ballot to a voting booth and, with the writing utensil provided, mark it in accordance with the instructions for that ballot type; and
    C. feed the ballot into the electronic vote tabulator to record the vote.

- SOS Support
  - Please continue to utilize our clerk helpdesk nmclerks@sos.nm.gov as you primary means of communication.
  - You may call me at anytime to address a question or concern or to escalate an issue
    - Mandy cell phone: 505.660.4045
  - We will be using a HISN Situation Room on Election Day as usual – more to come
  - We will be setting up and HISN Situation Room for support ahead of this weekend – more to come.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Hursh, Suzanne, SOS <Suzanne.Hursh@state.nm.us>
Sent: Friday, August 26, 2022 8:29 AM
To: SOS-33 County Clerks
Cc: Vigil, Mandy, SOS; Chinana, Charlotte, SOS
Subject: [EXTERNAL SENDER] Election Worker Survey - time sensitive!

Hello,

The Secretary of State's office, in partnership with Political Science Professor Lonna Atkeson (former Director of the UNM Center for the Study of Voting, Elections and Democracy), is creating a survey that looks specifically at election worker experience in New Mexico statewide elections. We are asking you to assist us in developing a robust response to this survey, as the more input provided for the study, the more accurate and valuable the resulting information.

First, we request that you provide us with a list of the poll officials in your county, including their name and email address. If you have workers who do not have (or have not provided) an email address, please include their telephone/cellphone number so we may reach out to as many workers as possible.

Second, we ask you to strongly encourage your county's election workers to participate in this survey, which will provide critical information on workers' experiences in the 2020 General, the 2021 Regular Local, and the 2022 Primary elections. Survey results can help your office by:

- Strengthening and supporting funding requests, providing beneficial data to demonstrate the needs of county offices across the state.
- Outlining areas for improvement, including increased safety and security as well as operational enhancements.
- Compiling information and identifying new ideas for election worker outreach and motivation.

Please help us by sending your list of election workers to NMClerks@state.nm.us **NO LATER THAN THURSDAY, SEPTEMBER 1st, 2022**. You can further assist by actively promoting participation among your poll workers! If you have any questions, please reach out to the SOS, and we look forward to receiving your list.

Thank you,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

New Mexico Secretary of State|Capitol Annex North
325 Don Gaspar, Suite 300|Santa Fe, NM 87501
(505) 827-3600
NMClerks@state.nm.us

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Sent: Tuesday, September 13, 2022 9:15 AM
To: SOS-33 County Clerks
Cc: Vigil, Mandy, SOS; Chinana, Charlotte, SOS; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] Electronic Absentee Application _ Third Party Organizations

Good Morning County Clerk Teams,

It has been brought to our attention that an organization called Honest Elections Project has been emailing filled out absentee applications to your offices. Although 1-6-4.3 states that third-party agents shall submit applications within 48 hours to the appropriate office for filing, it is important to note that 1-6-4 (B), mentions the county clerk shall not accept an application for a mailed ballot if the application for a mailed ballot is delivered by electronic means. A third-party agent may send paper applications to your office for processing; however, the law is clear that applications submitted electronically by third-party agents shall not be accepted. Please send rejection letters to the voters with a reason why the application was rejected and send them a new form to fill out along with the letter. In addition, we recommend that you mention NMVote.org in the letter to request for an absentee application online.

Lastly, our office is working on outreach to this organization to make them aware of this issue. We will advise that electronically submitted applications are not acceptable in accordance with state law, however paper applications filled out by the voter are acceptable. Should you have any questions, please write the helpdesk at nmclerks@state.nm.us.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@state.nm.us

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Friday, October 14, 2022 3:43 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] FW: [EXTERNAL] Additional Training Opportunity: Non-Confrontational Techniques for Election Workers
Attachments: CISA Webinar_ Non-confrontational Techniques for Election Workers (10_19).eml

Good afternoon, all,

CISA is hosting an additional session of *Non-confrontational Techniques for Election Workers* for **state and local election officials, poll workers, election workers, and private sector election partners** on Wednesday, October 19, 2022 at 1:00pm Eastern via Microsoft Teams.

Video and resources are also included in the email below.

Thanks,

Mandy

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

Misinformation threatens our democracy.
Get the facts: RUMOR.NMVOTE.ORG

Facebook @NMSecofState
Instagram @nm_sos
Twitter @NMSecofState

From: Election Infrastructure SSA <eisrma@cisa.dhs.gov>
Sent: Friday, October 14, 2022 12:44 PM
To: Election Infrastructure SSA <eisrma@cisa.dhs.gov>
Subject: [EXTERNAL] Additional Training Opportunity: Non-Confrontational Techniques for Election Workers

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

Election Partners,

CISA is hosting an additional session of *Non-confrontational Techniques for Election Workers* for **state and local election officials, poll workers, election workers, and private sector election partners** on Wednesday, October 19, 2022 at 1:00pm Eastern via Microsoft Teams.

The *Non-Confrontational Techniques for Election Workers* training empowers election workers to safely navigate potentially escalating situations at election facilities and polling locations. The training seeks to help election workers recognize and evaluate suspicious behaviors holistically, obtain help when necessary, safely de-escalate, and report appropriately within their organization or to law enforcement. Personal safety is paramount and non-confrontational techniques can serve as an important component of a comprehensive security practice to mitigate potential violence.

Below is the link for the session:

- Wednesday, October 19, at 1:00pm Eastern: https://bit.ly/3fWJyBdWD

Please note, state and local election offices and private sector election partners can request that CISA provide this training for their organization and employees. CISA has also released a shortened version of the *Non-Confrontational Techniques for Election Workers* training on YouTube, which can be found here: https://www.youtube.com/watch?v=rCWt7gDwEPc

Like other CISA election trainings, this training opportunity is available at no-cost and can be presented at election official convenings, association meetings, or other events. All training offerings are customizable and can be tailored to meet specific stakeholder needs. To request this training or other trainings, either in-person or virtually, please email electionsecurity@cisa.dhs.gov or contact your regional CISA office.

Thank you,

CYBERSECURITY & INFRASTRUCTURE
CISA
SECURITY AGENCY

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Tuesday, August 30, 2022 3:54 PM
To: SOS-County Clerks Group; SOS-33 County Clerks
Cc: SOS-Leadership; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] FW: Conforming Proclamation _ 2022 General Election
Attachments: ConformingProc_Spanish.pdf; ConformingProc_wthcert.pdf; Certificate_conformingProc.pdf; ConformingProc.pdf; 2022 General Election Proclamation - Conforming Proclamation _ SPANISH.docx; 2022 General Election Proclamation _Conforming Proclamation _ ENGLISH.docx

Good Afternoon County Clerks,

In accordance with 1-8-13, the secretary of state shall conform the proclamation to the intent of the law with respect to newly created offices for which each political party shall nominate candidates. Attached to this email you will find the Conforming Proclamation in English and Spanish for the newly created judgeships that were created during the 2022 legislative session in House Bill 86. Our office has included editable word documents for those Proclamations for your reference. Please post these items to your county clerk website pursuant to state law. Please contact nmclerks@state.nm.us should you have any questions.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, November 7, 2022 10:55 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] FW: [EXTERNAL] Justice Department Press Releases

Good morning, all,

Please see link to the DOJ's press release re: election monitors in Bernalillo and San Juan.

Thanks,
Mandy

From: Williamson, Victor (CRT) <Victor.Williamson@usdoj.gov>
Sent: Monday, November 7, 2022 10:43 AM
To: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Subject: RE: [EXTERNAL] Justice Department Press Releases

Good morning,

Here is today's press release:

https://www.justice.gov/opa/pr/justice-department-monitor-polls-24-states-compliance-federal-voting-rights-laws

Best regards,

Victor

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Friday, November 4, 2022 2:33 PM
To: Williamson, Victor (CRT) <Victor.Williamson@usdoj.gov>
Subject: RE: [EXTERNAL] Justice Department Press Releases

Thank you.

From: Williamson, Victor (CRT) <Victor.Williamson@usdoj.gov>
Sent: Friday, November 4, 2022 10:14 AM
To: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Subject: [EXTERNAL] Justice Department Press Releases

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

Ms. Vigil,

Here is an October 26, 2022 press release about the Division's upcoming monitoring, which explains in some detail what the monitoring entails:
https://www.justice.gov/opa/pr/justice-department-releases-information-efforts-protect-right-vote-prosecute-election-fraud

I will also email you if and when we issue a press release listing jurisdictions to be monitored on November 8.

Best regards,

Victor

Victor J. Williamson
Attorney, Voting Section
Civil Rights Division
U.S. Department of Justice
4 Constitution Square
150 M St., NE
Washington, DC 20530
202-532-5421

STATE OF NEW MEXICO

CERTIFICATE

I, MAGGIE TOULOUSE OLIVER, SECRETARY OF STATE FOR NEW MEXICO, DO HEREBY CERTIFY

that

the attached is a true and correct reproduction of **The Office of the New Mexico Secretary of State's 2022 General Election Conforming Proclamation in English and Spanish,** as filed in the Office of the Secretary of State, on August 30th , 2022.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO, IN THE CITY OF SANTA FE, THE CAPITAL, ON THIS 30th DAY OF August, 2022.

Maggie Toulouse Oliver

SECRETARY OF STATE

STATE OF NEW MEXICO **EXECUTIVE OFFICE** SANTA FE, NEW MEXICO

Conforming Proclamation

GENERAL ELECTION PROCLAMATION

Pursuant to NMSA 1978, § 1-8-13(B) (1969, as amended through 2021), I, Maggie Toulouse Oliver, Secretary of State, of the State of New Mexico, by virtue of the authority vested in me, do hereby conform the January 31st, 2022, General Election Proclamation to the intent of the law with respect to the offices for which each political party shall nominate candidates as follows:

STATE, DISTRICT, AND METROPOLITAN OFFICES

THREE JUDICIAL DISTRICT JUDGES

2nd Judicial District Judge, Div. 30	**NEW JUDGESHIP**
5th Judicial District Judge, Div. 12	**NEW JUDGESHIP**
13th Judicial District Judge, Div. 9	**NEW JUDGESHIP**

House Bill 86, Chapter 56, was passed and signed into law during the 2022 legislative session creating new judgeships. The effective date of these new judgeships is July 1, 2022.

GENERAL ELECTION FILING DEADLINES:

Appointments to fill vacancies in the list of a party's nominees shall be made and filed with the proper filing officer using a form approved by the secretary of state by September 6, 2022, by 5:00 p.m., along with a declaration of candidacy subscribed and sworn by the selected nominee and the required form for candidates pursuant to the Campaign Reporting Act [Section 1-19-25 to 1-19-36 NMSA 1978].

SIGNED AT THE EXECUTIVE OFFICE THIS 30th DAY OF AUGUST 2022

WITNESS MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO

ATTEST:

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

SHARON PINO
DEPUTY SECRATRY OF STATE

ESTADO DE NUEVO MÉXICO **OFICINA EJECUTIVO** SANTA FE, NUEVO MÉXICO

Proclamación de Ajuste

PROCLAMACIÓN DE LA ELECCIÓN GENERAL

Conforme a NMSA 1978, § 1-8-13(B) (1969, enmendada hasta el 2021), Yo, Maggie Toulouse Oliver, Secretaria de Estado del Estado de Nuevo México, en virtud de la autoridad otorgada en mí, por la presente ajusto la Proclamación de la Elección General del 31 de enero de 2022 para cumplir con la intención de la ley sobre los cargos al que cada partido político nominará candidatos como sigue:

CARGOS ESTATALES, DISTRITANOS, Y METROPOLITANOS

TRES JUECES DE DISTRITO JUDICIAL

Juez del 2º Distrito Judicial, División 30	**JUDICATURA NUEVA**
Juez del 5º Distrito Judicial, División 12	**JUDICATURA NUEVA**
Juez del 13er Distrito Judicial, División 9	**JUDICATURA NUEVA**

El proyecto de ley 86, capítulo 56 de la Cámara de Representantes, fue aprobado durante la sesión legislativa del 2022, creando judicaturas nuevas. La fecha efectiva de estas judicaturas nuevas es el día 1 de julio del 2022.

PLAZO LÍMITE DE PRESENTACIÓN DE LA ELECCIÓN GENERAL:

Designaciones para llenar vacantes en la lista de nominaciones del partido se presentarán al oficial apropiado en la forma aprobada por la secretaria de estado antes del 6 de septiembre del 2022 a las 5:00 p.m., junto con una declaración de candidatura firmada y jurada por el candidato designado y el formulario requerido para candidatos conforme al La Ley de Reportes Financieros de Campañas [Secciones 1-19-25 a 1-19-36 NMSA 1978].

EXPEDIDA EN LA OFICINA EJECUTIVA ESTE DÍA 30 DE AGOSTO DEL 2022

TESTIGO MI MANO Y EL GRAN SELLO DEL ESTADO DE NUEVO MÉXICO

MAGGIE TOULOUSE OLIVER
SECRETARIA DE ESTADO

ATESTIGUA:

SHARON PINO
SUBSECRETARIA DE ESTADO

STATE OF NEW MEXICO

CERTIFICATE

I, MAGGIE TOULOUSE OLIVER, SECRETARY OF STATE FOR NEW MEXICO, DO HEREBY CERTIFY

that

the attached is a true and correct reproduction of **The Office of the New Mexico Secretary of State's 2022 General Election Conforming Proclamation in English and Spanish,** as filed in the Office of the Secretary of State, on August 30th , 2022.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO, IN THE CITY OF SANTA FE, THE CAPITAL, ON THIS 30th DAY OF August, 2022.

Maggie Toulouse Oliver

SECRETARY OF STATE

STATE OF NEW MEXICO **EXECUTIVE OFFICE** SANTA FE, NEW MEXICO

Conforming Proclamation

GENERAL ELECTION PROCLAMATION

Pursuant to NMSA 1978, § 1-8-13(B) (1969, as amended through 2021), I, Maggie Toulouse Oliver, Secretary of State, of the State of New Mexico, by virtue of the authority vested in me, do hereby conform the January 31st, 2022, General Election Proclamation to the intent of the law with respect to the offices for which each political party shall nominate candidates as follows:

STATE, DISTRICT, AND METROPOLITAN OFFICES

THREE JUDICIAL DISTRICT JUDGES

2nd Judicial District Judge, Div. 30	**NEW JUDGESHIP**
5th Judicial District Judge, Div. 12	**NEW JUDGESHIP**
13th Judicial District Judge, Div. 9	**NEW JUDGESHIP**

House Bill 86, Chapter 56, was passed and signed into law during the 2022 legislative session creating new judgeships. The effective date of these new judgeships is July 1, 2022.

GENERAL ELECTION FILING DEADLINES:

Appointments to fill vacancies in the list of a party's nominees shall be made and filed with the proper filing officer using a form approved by the secretary of state by September 6, 2022, by 5:00 p.m., along with a declaration of candidacy subscribed and sworn by the selected nominee and the required form for candidates pursuant to the Campaign Reporting Act [Section 1-19-25 to 1-19-36 NMSA 1978].

SIGNED AT THE EXECUTIVE OFFICE THIS 30th DAY OF AUGUST 2022

WITNESS MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO

ATTEST:

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

SHARON PINO
DEPUTY SECRATRY OF STATE

ESTADO DE NUEVO MÉXICO **OFICINA EJECUTIVO** SANTA FE, NUEVO MÉXICO

Proclamación de Ajuste

PROCLAMACIÓN DE LA ELECCIÓN GENERAL

Conforme a NMSA 1978, § 1-8-13(B) (1969, enmendada hasta el 2021), Yo, Maggie Toulouse Oliver, Secretaria de Estado del Estado de Nuevo México, en virtud de la autoridad otorgada en mí, por la presente ajusto la Proclamación de la Elección General del 31 de enero de 2022 para cumplir con la intención de la ley sobre los cargos al que cada partido político nominará candidatos como sigue:

CARGOS ESTATALES, DISTRITANOS, Y METROPOLITANOS

TRES JUECES DE DISTRITO JUDICIAL

Juez del 2º Distrito Judicial, División 30	**JUDICATURA NUEVA**
Juez del 5º Distrito Judicial, División 12	**JUDICATURA NUEVA**
Juez del 13er Distrito Judicial, División 9	**JUDICATURA NUEVA**

El proyecto de ley 86, capítulo 56 de la Cámara de Representantes, fue aprobado durante la sesión legislativa del 2022, creando judicaturas nuevas. La fecha efectiva de estas judicaturas nuevas es el día 1 de julio del 2022.

PLAZO LÍMITE DE PRESENTACIÓN DE LA ELECCIÓN GENERAL:

Designaciones para llenar vacantes en la lista de nominaciones del partido se presentarán al oficial apropiado en la forma aprobada por la secretaria de estado antes del 6 de septiembre del 2022 a las 5:00 p.m., junto con una declaración de candidatura firmada y jurada por el candidato designado y el formulario requerido para candidatos conforme al La Ley de Reportes Financieros de Campañas [Secciones 1-19-25 a 1-19-36 NMSA 1978].

EXPEDIDA EN LA OFICINA EJECUTIVA ESTE DÍA 30 DE AGOSTO DEL 2022

TESTIGO MI MANO Y EL GRAN SELLO DEL ESTADO DE NUEVO MÉXICO

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARIA DE ESTADO

ATESTIGUA:

SHARON PINO
SUBSECRETARIA DE ESTADO

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Thursday, December 1, 2022 1:34 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Vigil, Mandy, SOS; OShea, Justin, SOS; SOS-Finance
Subject: [EXTERNAL SENDER] FW: County Reporting Form for 2022 General Election MOU Expenditures
Attachments: 2022GE_County_Reporting_Form.xlsx

See message below:

From: OShea, Justin, SOS <Justin.OShea@sos.nm.gov>
Sent: Thursday, December 1, 2022 10:27 AM
To: Clerks, NM, SOS <NM.Clerks@sos.nm.gov>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; SOS-Finance <SOS-Finance@state.nm.us>
Subject: County Reporting Form for 2022 General Election MOU Expenditures

Hello all,

Please see the attached Reporting Form for 2022 General Election expenditures corresponding to the executed MOUs. Each county should complete and return the form via e-mail to **nm.clerks@sos.nm.gov** by ***December 31, 2022***, along with the supporting documentation for each categorized expenditure. Feel free to reach out to me or our elections staff if there are any questions regarding the MOUs or the reporting process.

Thanks,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Justin Patrick O'Shea, MPA, CPO | Interim CFO
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: (505) 469-0610 | Desk: (505) 827-3615
justin.oshea@state.nm.us

Follow us on Facebook + Twitter

****PLEASE NOTE: My email address has changed from justin.oshea@state.nm.us to justin.oshea@sos.nm.gov. Please update your records accordingly. Thank you.****

NEW MEXICO OFFICE OF THE SECRETARY OF STATE
REPORTING FORM

2022 GENERAL ELECTION EXPENDITURE SUMMARY			
	COUNTY:		
	DATE:		
	COMPLETED BY:		
	CONTACT INFORMATION:	Phone	Email
ITEM	**DESCRIPTION**	**AMOUNT**	**COMMENTS/NOTES**
1	Poll Workers/Election Board		
2	Registration Officers (Same Day Registration)		
3	Language Interpreters		
4	Election Publication(s)		
5	Tabulator Delivery		
6	Postage (if applicable)		
7	Election Supplies (if applicable)		
8	Office Supplies (if applicable)		
9	Messengers/Couriers (if applicable)		
10	Recount Costs (if applicable)		
11	Other (provide brief summary)		
	TOTAL AMOUNT SPENT	$ -	
	ORIGINAL GRANT AMOUNT		
	AMOUNT DUE TO SOS (if positive/green) **AMOUNT DUE TO COUNTY (if negative/red)**	$ -	

Please complete and return via email to nmclerks@state.nm.us by June 30, 2022

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Friday, November 4, 2022 11:16 AM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: ToulouseOliver, Maggie, SOS; Pino, Sharon, SOS; Lange, Dylan, SOS; Chinana, Charlotte, SOS; Curtas, Alex, SOS
Subject: [EXTERNAL SENDER] FW: Letter from NMSOS re Election Certification
Attachments: Ltr to County Commissions on Election Certifciation_Final.pdf

Good morning,

As discussed on the check in call this morning, I am sharing a copy of the letter provided to all county commissions to provide clarity on their role in the election certification process.

Please reach out with any questions.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045
mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

From: Romero, Theresa, SOS <Theresa.Romero@sos.nm.gov>
Sent: Friday, November 4, 2022 11:05 AM
To: Baca, Julie <jmorgasbaca@bernco.gov>; stan.brown@catroncountynm.gov; Williams, Bill <bill.williams@chavescounty.gov>; Fletcher, Kate <kate.fletcher@co.cibola.nm.us>; mgore@co.colfax.nm.us; Pyle, Lance <lpyle@currycounty.org>; Lucero, Amanda <amandal4@plateautel.net>; Macias, Fernando <fernandom@donaanacounty.org>; Davis, Allen <ardavis@co.eddy.nm.us>; cwebb@grantcountynm.gov; diana.urban@guadco.us; Villarreal, Victoria <v.villarreal@hardingcounty.org>; Green, Tisha <tisha.green@hidalgocounty.org>; Gallagher, Michael <mgallagher@leacounty.net>; Pearson, Ira <IPearson@lincolncountynm.gov>; Lynne, Steven <steven.lynne@lacnm.us>; Brice, Chris <chris_brice@lunacountynm.us>; Dimas, Anthony <adimas@co.mckinley.nm.us>; Barela, Temarah <tbarela@countyofmora.com>; Heltner, Pamela <pheltner@co.otero.nm.us>; Daniel, Daniel <daniel.zamora@quaycounty-nm.gov>; Sanchez, Lucia <lucia.sanchez@rio-arriba.org>; Hamilton, Amber <ahamilton@rooseveltcounty.com>; Stark, Mike <mstark@sjcounty.net>; Ansley, Joy <jansley@co.sanmiguel.nm.us>;

Johnson, Wayne <wjohnson@sandovalcountynm.gov>; Shaffer, Gregory <gshaffer@santafecountynm.gov>; avaughan@sierraco.org; Hawkes, michael <mhawkes@co.socorro.nm.us>; Jaramillo, Brent <brent.jaramillo@taoscounty.org>; Barela, Janice <jbarela@tcnm.us>; Thompson, Brandy <brandy.thompson@unionnm.us>; Monette, Danny <danny.monette@co.valencia.nm.us>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Subject: Letter from NMSOS re Election Certification

Good morning,

This letter is being sent on behalf of the Secretary of State. She respectfully asks that you please distribute it to your County Commissioners as soon as reasonably possible.

Thank you for your attention to this matter.

Best,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Theresa Chávez-Romero|Executive Assistant to SOS Toulouse Oliver
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 490-2599 | Desk: (505) 827-3628
theresa.romero@sos.nm.gov
Follow us on Facebook + Twitter

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

November 4, 2022

Via Electronic Mail Only, County Managers for Distribution

Re: Certification Guidance for the 2022 General Election

County Commissions:

In an effort to uniformly administer the 2022 General Election, we want to take the opportunity to clarify the role that the County Commissions have in approving the report of the canvass return and declaring the results of the election for the upcoming election.

To begin with the board of county commissioners is *ex officio* the county canvassing board in each county. NMSA 1978, § 1-13-1(A). The County Canvassing Board ("Board") is responsible for supporting the county clerk in the canvass of the election. The Board does not canvass the election or prepare the report of canvass of the election returns. The Board's main responsibility is to ensure timely certification of the report of canvass.

If the Board determines, or more likely is made aware by the clerk, that there is an error in the election returns based on the report of canvass prepared by the county clerk, the Board must follow the statutory procedure, which consists of aiding the clerk in ensuring the clerk is provided all the election returns necessary produce the report of the canvass. "Election returns" is a defined term in the election code. It is defined as:

> [t]he certificate of precinct board showing the total number of votes cast for each candidate, or for or against each proposed constitutional amendment or other question, and may include statements of canvass, signature rosters, poll books, tally books, machine printed returns and, in any canvass of returns for county candidates, the original certificates of registration in the possession of the county clerk, together with the copies of certificates of registration in the office of the county clerk.

NMSA 1978, Section 1-1-8. It is important to note that actual ballots are not part of the definition of "election returns" and, therefore, the Board does not examine actual ballots, in this process. If an error is found the Board must immediately issue a summons directed to the precinct board if:

> (1) it appears on the face of the *election returns* that any certificate has not been properly executed;
> (2) it appears that there is a discrepancy within the *election returns;*
> (3) it appears that there is a discrepancy between the number of votes set forth in the certificate for any candidate and the number of electors voting as shown by the *election returns;*
> or
> (4) it appears that there is any omission, informality, ambiguity, error or uncertainty *on the face of the returns.*

NMSA 1978, Section 1-13-5(A). The election code limits the Board to examine only the "election returns" when finding errors. After issuing the summonses, the Board still *must* proceed with the canvass of all correct election returns, as its duty is to find errors, not correct them. § 1-13-5(C). Additionally, if an error is found and a summons is directed to the precinct board, the Secretary of State must also be notified. NMSA 1978, § 1–13–6. Finally, the Board *must* meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than ten days from the date of the election. Though, if a county has more than one hundred and fifty thousand voters, the Board is allowed an addition three days to approve the report of the canvass. If you have any questions about the Board's role, please do not hesitate to reach out to our office.

Respectfully,

Maggie Toulouse Oliver
Secretary of State

Mandy Vigil
State Elections Director

curryelections@currycounty.org

From: S Martin <cccd4martin@gmail.com>
Sent: Sunday, November 13, 2022 11:50 PM
To: Annie Hogland
Subject: [EXTERNAL SENDER] Fwd: DO NOT certify this election, they got busted BIG time. The People have been warning you since 2020.
Attachments: 2022 Fraud.pdf; SOS Communication with Union Co law, Guidlines title page etc.pdf; FIXING NEW MEXICO_221009_164943 (2).pdf; 11-15 Curry Agenda.pdf

FYI

---------- Forwarded message ---------
From: **Annette Watson** <awatson3@gmail.com>
Date: Sun, Nov 13, 2022 at 10:31 PM
Subject: DO NOT certify this election, they got busted BIG time. The People have been warning you since 2020.
To: Annette Watson <awatson3@gmail.com>

To whom it may concern, and it should concern:

My name is Annette Castillo, and I am a lifelong resident in New Mexico. I have been voting my whole adult life but never really wanted to get into politics. Now that politics has pushed its way into my life, it is my duty to hold it up to the standard of Truth and Righteousness. There is nothing True and Righteous in the process of running our most sacred privilege with compromised machines. I have been paying attention and watching the corruption and invasion of our elections since 2020 and it is so blatant if you do pay attention.

Any invader or corrupt politician would get experts to cheat on their behalf and try not to be noticed. However, the people who are dealing with the corruption and the destructive policies, have experts too. I do not hold my faith in man but Jesus Christ alone. Which brings me to why I'm writing to you. The Lord our God speaks through His prophets and His word, and I know how this is going to play out. The Lord will not stand for the destruction of His children and children to come. History does repeat itself and I urge you to read the Bible. We are in an Exodus time right now and you'll see very soon that His people will be set free, and He will get the Glory. I pray that you come close to our Lord and become righteous

for your sake. If you are on the path of Truth and Righteousness, I want to thank you for being obedient to our Father.

The Majority of America KNOWS the elections are stolen. The 2020 election over 50% of Americans and now it's 60/70%. You must act with courage and wisdom. I attached the experts reports and proof that should clearly be enough to do a full-on investigation and paper ballot recount. We need to find out who the enemy is and hold them accountable. This is not going away and needs to be dealt with transparently, now!

Sincerely, Annette Castillo

Board of County Commissioners

Regular Meeting

Commission Chambers

417 Gidding St. Clovis, NM

November 15, 2022 at 9:00 AM

Final Agenda

I. CALL TO ORDER

Invocation

Pledge of Allegiance

Roll Call

Approval of Agenda

II. RECOGNITION OF VISITORS AND PUBLIC INPUT FOR WHICH NO ACTION WILL BE TAKEN

1. *Public comments will be limited to three minutes per speaker.*
2. *Individuals will be limited to one presentation per meeting, and there will be a maximum of six (6) speakers on each subject.*
3. *To avoid any possible violation of the Open Meetings Act, Commissioners will not respond to comments or answer questions.*
4. *Questions or requests for information **in writing** should be directed to the County Manager during regular business hours.*

III. PRESENTATIONS

1. **Presentation of Anniversary Certificates to County Employees - Chairman Spear and Lance A. Pyle**
2. **Presentation of Retirement Plaque to Marilyn Jesko - Chairman Spear and Lance A. Pyle**

IV. CONSENT AGENDA

Items listed below are recommended by the County Manager for placement on the consent agenda. These items are placed on the agenda so that the Commission, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any proposal does not meet with the approval of all Commission members, or if a citizen so requests, that item will be heard when reached under the regular agenda.

Motion to place indicated items on the consent agenda by unanimous roll call vote.
Motion to approve or acknowledge all items on the consent agenda by unanimous roll call vote.

- ✓ **1. Request Approval to Cancel the Tuesday, December 20, 2022 Commission Meeting - Lance A Pyle**
- ✓ **2. Request Approval to Reschedule the January 10, 2023 Commission Meeting to Thursday, January 12, 2023 at 9:00 a.m. at 417 Gidding Commission Chambers and to Cancel the Tuesday, January 24, 2023 Commission Meeting – Lance A. Pyle**
- ✓ **3. Request Approval of Line Item Transfer Within the Commission Budget Transferring $536.00 From Line Item 401-12-5206 to Line Item 401-12-5305 to Cover Membership Dues for the National Association of Counties - Lance A. Pyle**
- ✓ **4. Request Approval of Accounts Payable Checks #143886 thru #144089; Payroll Checks #54218 thru #54232; Direct Deposit Payroll Checks #72950 thru#73238; for a Total of $1,923,706.48 - Troy Hall**
- ✓ **5. Request Approval of Second Amendment to Inmate Telephone Services Agreement - Lorraine Schlimm**
- ✓ **6. Request Ratification of Application for FY2023-2026 Retired Senior Volunteer Program Totaling $50,000 per Year for Three (3) Years with a 10% Cash Match the First Year, 20% the Second Year and 30% the Third Year - Neicee Bernal**
- ✓ **7. Request Approval of Operating and Use Agreement with Grady Municipal Schools to Provide Services to Decrease Food Insecurity as Permitted by the NM Food Security Grant Awarded to the County - Kristian Price**
- ✓ **8. Request Approval of Application for Work, Excavating, Boring, Cross Cuts or Other Cuts on County Roads from Oscar Renda Contracting (Southland Holdings) for Potholing for Existing Utilities for Curry Road R between Curry Road 14 and Curry Road R, Curry Road R between Curry Road 12 and Curry Road R, Curry Road R between Curry Road 11 and Curry Road R and Curry Road R between Curry Road 15 and Curry Road R - Walon Jones**
- ✓ **9. Request Ratification of Culvert Application/Permit from Katharine Fly for Installation of Culvert on Curry Road K between Curry Road 16 and Curry Road 17 - Walon Jones**

V. REPORTS OF; BOARDS, COMMITTEES, DEPARTMENTS AND PRESENTATIONS

No Actions will be taken on any reports, discussions, or other informational items.

1. Road Department Report - Walon Jones

VI. ACTION ITEMS

1. Request Action on Resolution #2022-95 Authorizing the Submission of an Advanced Transportation Technology Innovation (ATTAIN) Grant Program Application to the U.S. Department of Transportation and Federal Highway Administration - Kristian Price

2. Request Action on Clovis Music Festival Event Partnership – Robyn Snowberger and Ernie Kos

3. **Request Action RFP #2022/23-03 for Vision Insurance and Award of Contract to MetLife - Lorraine Schlimm**

VII. CANVASS BOARD

1. **Request Approval of 2022 General Canvass Report - Annie Hogland**

VIII. ORDINANCES

1. **Request Action on Notice of Intent on Curry County Ordinance 2022-04 an Ordinance Prohibiting the Marketing and Branding of Cannabis Products to Children - Lance A. Pyle**

IX. COUNTY COMMISSIONER'S REPORTS

No Actions will be taken on any reports, discussions, or other informational items.

X. COUNTY MANAGER'S REPORT

No Actions will be taken on any reports, discussions, or other informational items.

XI. INDIGENT BOARD MEETING

1. **Request Approval of Indigent Cremation for Muffley Funeral Home Date of Death September 23, 2022 - Lance A. Pyle**

XII. FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

Next Commission Meeting is Scheduled for Tuesday, December 13, 2022 at 9:00 am

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in a hearing or meeting, please contact the Curry County Manager at 575-763-6016 at least one (1) week prior to the meeting or as soon as practical. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Curry County Manager at 575-763-6016 if a summary or other type of accessible format is needed.

COUNTY COMMISSION STRATEGY – POST 2022 GENERAL [S]ELECTION

BACKGROUND

Citizens of New Mexico and multiple experts have patiently investigated historical election and registration data, our electronic election system, violation of election statutes, and evidence of corruption by the SOS and certain county clerks. We have found mountains of red flags in the data and multiple failures on the part of the SOS to ensure the "the purity of elections [to] guard against the abuse of the elective franchise."[1]

These anomalies are documented in two extensive reports that are published online[2,3] as well as multiple other analysis by citizens that have been given directly to county officials, along with hours of public comments made on the record in county commission meetings across the state.

The 2022 General Election that just transpired shows a continuation of these anomalies and violations of the law. New Mexico can no longer continue to gloss over these issues. They must be dealt with now.

NOVEMBER 8TH, 2022 Election

Voter Intimidation

In the 2022 General Election, multiple violations of the election code were observed and reported. Poll workers intimidated voters concerning the use of their own marking devices, even though doing so is allowed by the SOS's own guidance document. ***See* Figure 1.** Not only are alternative marking devices legal, but poll workers are prohibited by statute from looking at a voter's ballot to determine what marking device the voter used. ***See* NMSA 1-12-59.B**. Additionally, election workers lied to voters about their right to take a picture of their own ballot as expressly provided under **NMSA 1-12-59A,** and incorrectly told voters they could not take their cell phones into the polling place**.**

Moreover, election worker trainees reported that Otero County Clerk, Robyn Homes, directed them to take down names of anyone that used their own marking device and then *refer them to the District Attorney*. A voter in Dona Ana County reported that she was present when a poll worker publicly cussed at and humiliated a voter who had brought their own pen to mark their ballot. Both instances are clear violations of the law and extremely inappropriate conduct for election workers.

[1] **NMSA 1-1-1.1**
[2] https://dow9ovycsk6w7.cloudfront.net/media_items/68749-NM_Voter_Fraud_Report_with_Appendices.pdf?1633970140
[3] https://dow9ovycsk6w7.cloudfront.net/media_items/69241-Otero_County_Audit_Report.pdf?1660596423

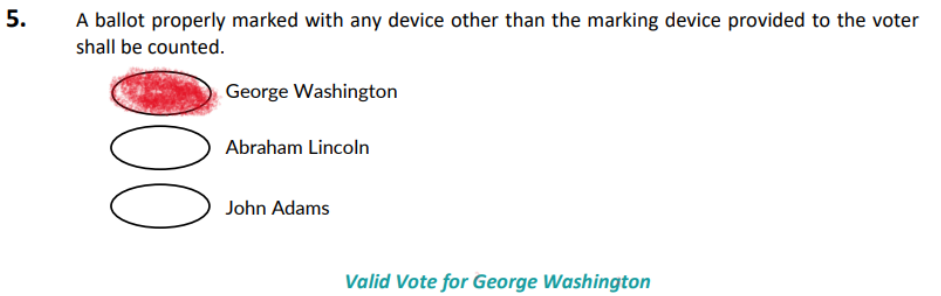


Figure 1. Any Marking Device is Acceptable (from SOS document titled "Determining Voter Intent")

In Torrance County, police officers were sent twice on election day to a polling place that had formed a line. The officers "encouraged" voters to leave and find another polling place without a line. It is unknown how many people felt that a "suggestion" from armed uniformed officers was a mandatory order, and then left the polling place to have possibly never voted. There is legal precedent that this behavior constitutes voter intimidation.

A similar case occurred in New Jersey in 1981 where armed officers appeared at Democrat-leaning polling places and interacted with voters.[4] Having officers present at a polling place was considered to be an act of intimidation so egregious that it resulted in the Republican Party *in every state* entering into a consent decree where they were barred from pursuing election integrity measures for decades without prior approval.[5] The fact that something very similar just happened in a New Mexico County – this time targeting Republican-leaning precincts – should disgust everyone.

These coercive encounters between government employees and voters violate the law.[6]

Pollbook Anomalies and Violation of Process

There was a report of a registered voter going to the polling place and the pollbooks did not have this registered voter in the database. The issue had to be corrected by the clerk. There was a report of poll workers checking in individuals to vote, but the individuals could not provide their own home addresses. The poll workers coached these individuals on what to say so that they could be provided a ballot. In a state without voter ID, individuals not knowing their own registered address, but still acquiring a ballot with the help of an election worker, increases the possibility of identity theft and fraudulent voting. This is unacceptable.

---

[4] en.wikipedia.org/wiki/Ballot_Security_Task_Force#:~:text=The%20suit%20was%20settled%20in%201982%2C%20when%20the,though%20they%20did%20not%20admit%20any%20wrongdoing.%20

[5] www.brennancenter.org/sites/default/files/2020-07/1982%20consent%20decree.pdf

[6] "….coercion of employees, coercion of voters, intimidation or conspiracy to violate the Election Code" are all potentially criminal acts under **NMSA 1-12-59.D.**

Significant Evidence of Manipulation in Election Night Reporting

Initial review of the election data shows that serious anomalies occurred, and the results were not consistent with polling data or registration trends. Since 2008, Democrats have steadily been declining in percentage of registrations, while Republicans have continuously gained registrations. Yet, the 2022 election results showed a net loss of Republican seats from the top to the bottom of the ticket in New Mexico.

Election night data is reported by the SOS and sent to Edison Research which pushes results out to media outlets across the country. Edison data was available for the governor, congressional, attorney general, and secretary of state races. All but one of these races showed serious anomalies consistent with manipulation of the election.

The worst anomalies occurred in the governor's race and two of the three congressional seats. **Figures 2** through **4** show the cumulative vote totals for these races throughout election night and into the afternoon of November 9th.

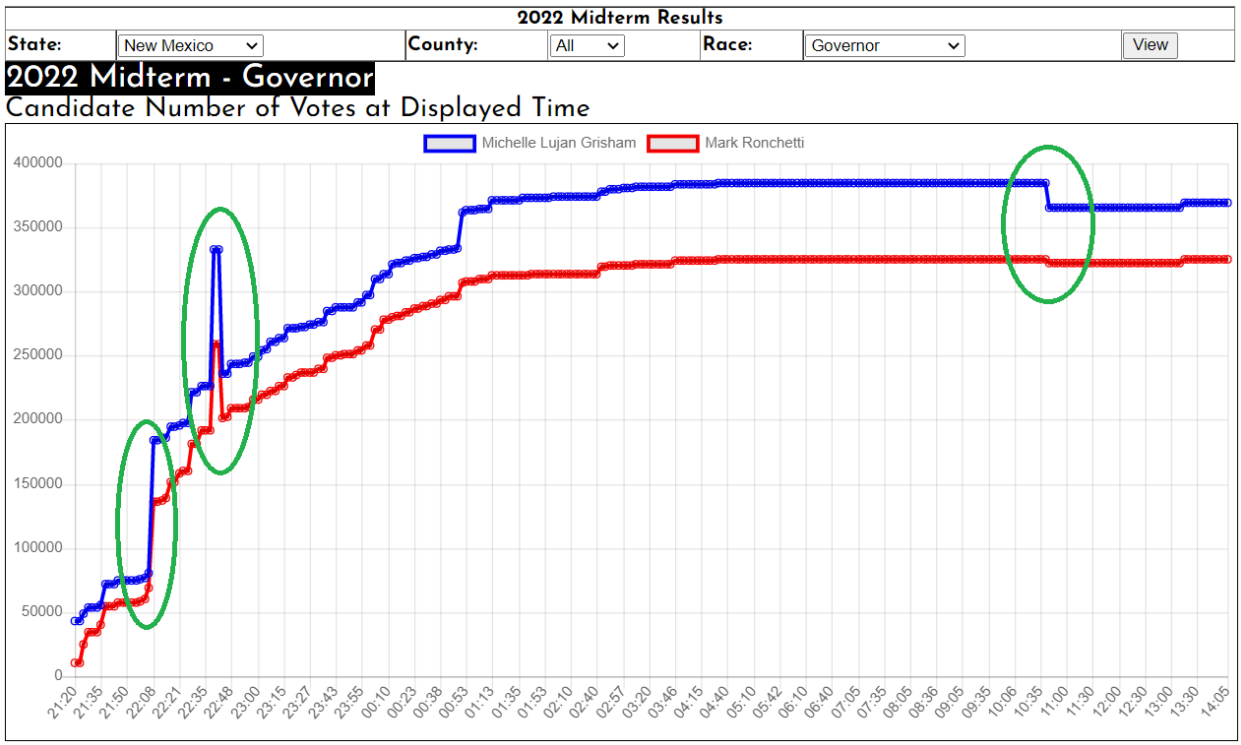


Figure 2. Election Night Reporting for NM Governor's Race

Votes in an additive election process should never decrease. Yet in **Figure 2**, we see that a large upload of votes was added at about 22:38 on November 8th only to be inexplicably removed a few minutes later. Another batch of votes was removed at 10:35 on November 9th. This cannot be explained by a county withdrawing their results to make a correction, because not all statewide races saw these decreases.

There was also an upload of approximately 170,000 votes at 22:08 on November 8th. Before the upload, the margin between the two candidates was narrow, but after the injection the margin had increased significantly in all races. This upload is seen on all down ballot races except Congressional District 3.

This upload may be legitimate if it came from a county that did not have Congressional District 3 on the ballot, such as Bernalillo County. However, the injection of votes represents 25% of the statewide election. Given the number of reports in the record, it is unlikely that such a large number of votes was legitimately reported in a single 3-minute interval. At this time, it is not possible to determine the how concerning this major anomaly is without more information.

Figures 3 and **4** show Congressional House Districts 1 and 2 with multiple impossible anomalies. At about 10:30 on November 9th, thousands of votes were removed from the overall totals for both races. That cannot happen in an honest election.

Equally unexplained, are the large ballot injections that occurred in each of these races on election night. In all cases, the margin between the two candidates were narrowing prior to the injection, only to followed by significant spikes. The injections for Congressional District 1 occurred at 22:08 on November 8th and 00:45 on November 9th. The injections for Congressional District 2 occurred at 21:45, 22:08, and 23:05 on November 8th.

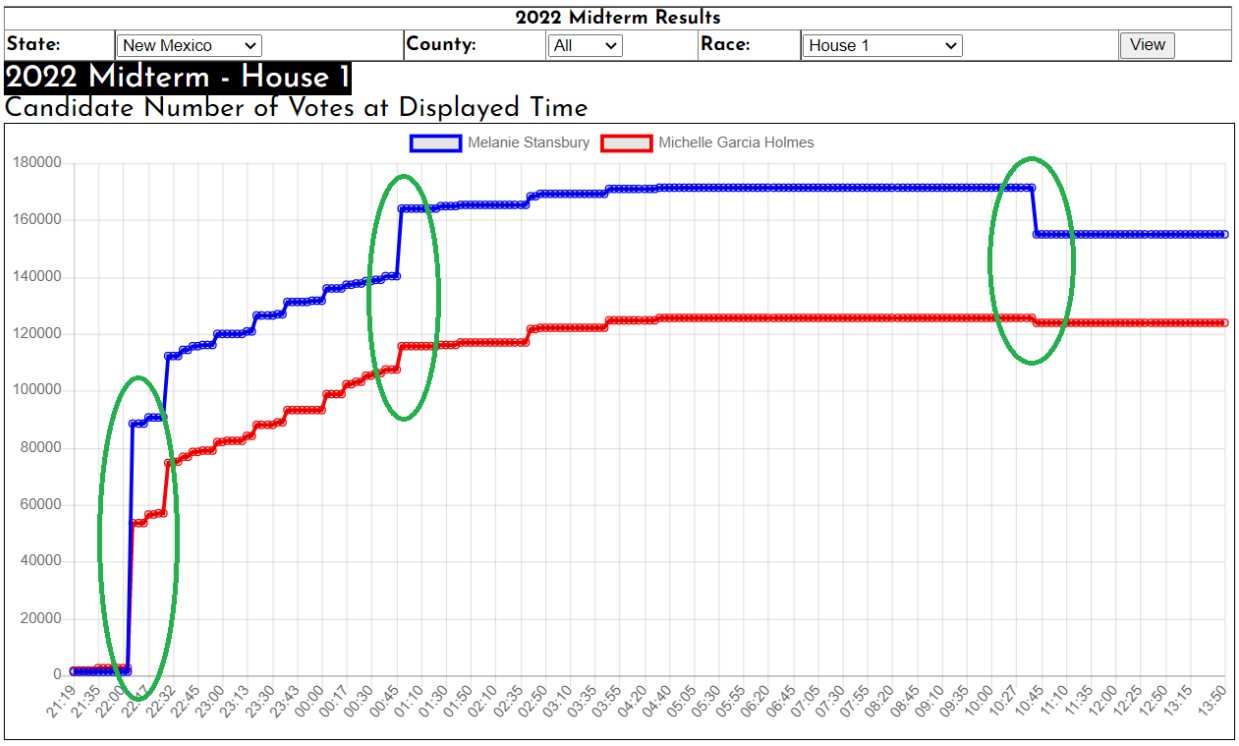


Figure 3. Election Night Reporting for Congressional House District 1

21:58, 23:05

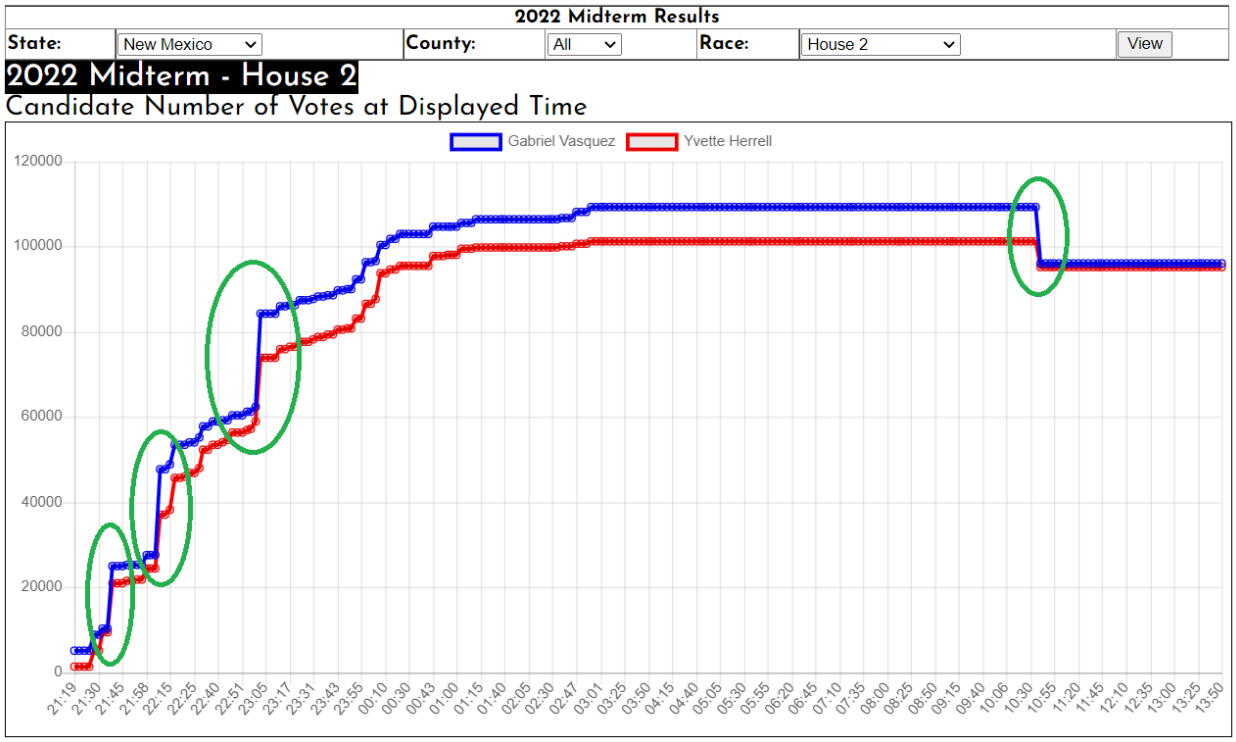


Figure 4. Election Night Reporting for Congressional House District 2

Whatever spin the Secretary of State and clerks may offer, we know these vote injections cannot all be legitimate. Because if the ballot uploads in the congressional races were real, there should be large corresponding increases in the votes for governor, SOS, and AG. The only increase in the congressional races that corresponded to races at the top of the ticket was the 22:08 November 8th upload. The other three large vote increases in the congressional races do not show large corresponding vote increases in the races at the top of the ticket. Therefore, those vote injections are not consistent with legitimate reporting from counties, but are consistent with fraudulent manipulation of these races.

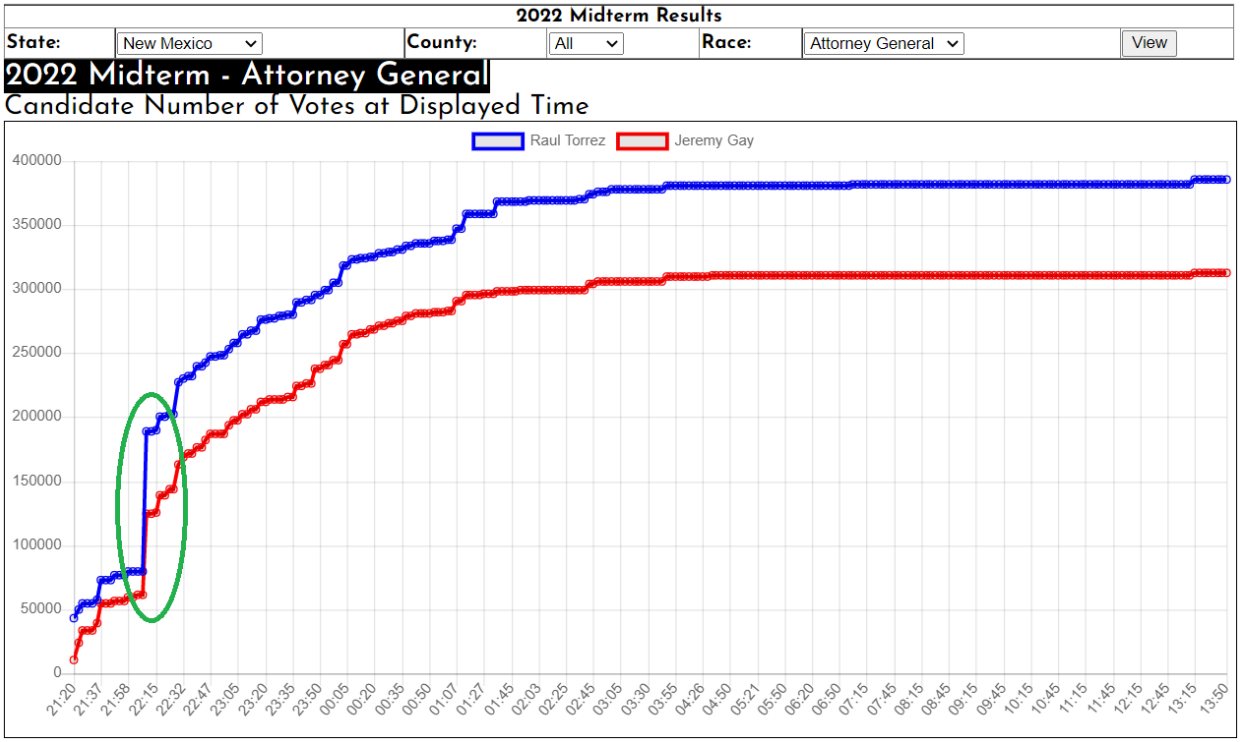


Figure 5. Election Night Reporting for Attorney General

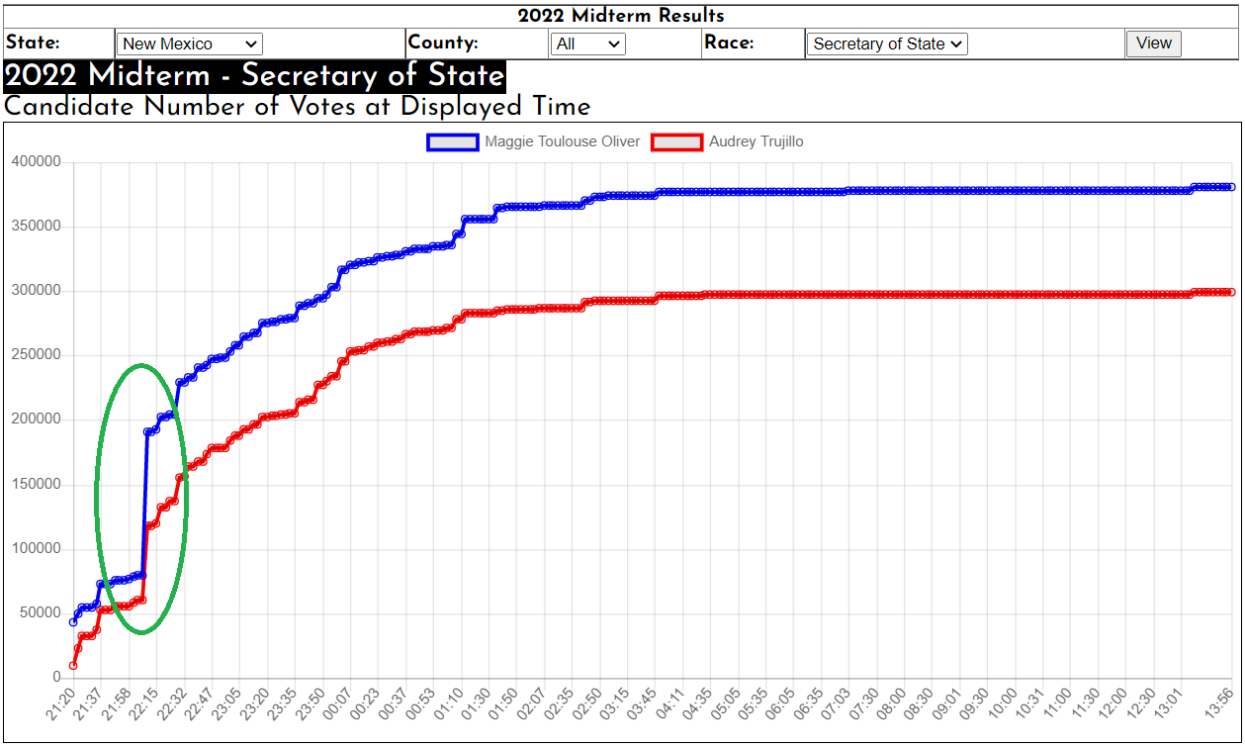


Figure 6. Election Night Reporting for Secretary of State

Figures 5 and **6** show the election night reporting for the attorney general and SOS races respectively. Both races had a large ballot injection at 22:08 that was addressed previously. **Figure 7** shows the vote totals for Congressional District 3. This is the only race that behaves as expected, and does not contain large, suspicious vote spikes, or impossible vote removals.

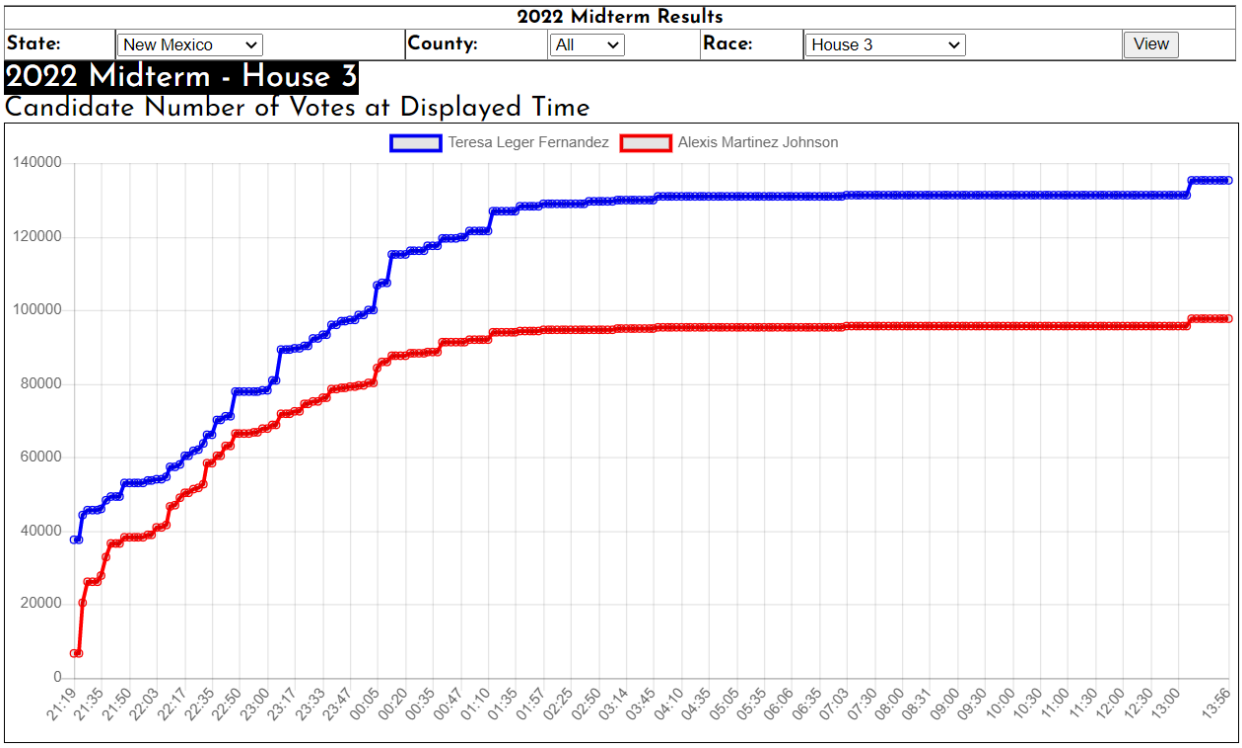


Figure 7. Election Night Reporting for Congressional District 3

ACTION THAT MUST BE TAKEN

Polling data has shown consistently that between 60 and 70 percent of Americans do not trust our election system, expected significant cheating to take place in the 2022 General Election, and do not have confidence in the outcome of our elections. The vast number of documented violations of the law and anomalies in the data in New Mexico, and across the country, will only worsen this crisis of public confidence.

County clerks and county commissioners must now work together to canvass the election results and certify the election before it can be finalized. Both the clerks and the commissioners have the opportunity over the next week and a half to ***review the record and assure the public that the election is correct prior to certification.***

Every citizen that does not trust what they saw on election day, needs to contact their county clerk and county commissioners right now and tell them they want them to take additional care in examination of the election record as they are allowed to do by statute.

The law is very clear that the commission has the authority to review the ***election returns***. Election returns are defined by **NMSA 1-1-8** as follows:

> …"election returns" means the certificate of the precinct board showing the total number of votes cast for each candidate, or for or against each proposed constitutional amendment or other question, ***and may include*** statements of canvass, signature rosters, poll books, tally books, machine printed returns and, in any canvass of returns for county candidates, the original certificates of registration in the possession of the county clerk, together with the copies of certificates of registration in the office of the county clerk (emphasis added).

The words "may include" indicate that this list is not inclusive. There are two additional election records that every county commission must do at least a preliminary analysis on before the results are certified. The first is the **cast vote record**. This is a single electronic file that summarizes the entire election in the county. Evidence of ballot stuffing and machine manipulation can be found quickly if it is there. This record does not contain any identifying voter information. It was directed to be created by the National Institute of Standards and Technology so that election officials ***and the general public*** could review it.[7]

The second record the clerks and commissioners need to check is the voter history in the registration database. They need to verify that the number of voters in each precinct in the database matches the reported number of votes cast in each precinct by type of vote (election day, early, and absentee). This exercise is mentioned specifically in **NMSA 1-13-5.A(3)**.

If there are red flags in either of these two records, then the clerk and county commission must ***ensure the canvass is correct before proceeding to certification*** (**NMSA 1-13-5.c**)**.** The only way to genuinely assure the public that the canvass is correct is to do a full hand recount of the paper ballots. The ballots themselves could also be considered "election returns" as defined by statute since they are part of the election record.

SUMMARY

Flood your county commissioners and county clerks with emails and phone calls requesting these two things be performed as part of the county canvass because of the anomalies already apparent in the election results:

1. Provide the Cast Vote Record to a competent individual for analysis to look for evidence of ballot stuffing or machine manipulation. A preliminary analysis can be completed in a matter of hours by someone who knows what they're looking for.
2. Ensure that the number of votes by precinct and vote type in the election results reconcile with the voter history in the registration database.

If any anomalies in 1 or 2 are found, then demand a full hand recount of the election prior to certification. The clerks and commissioners have the authority to grant these requests. We must hold them accountable and assure them that they will have our support if they take these steps to protect the people of New Mexico and our confidence in our elections.

[7] nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1500-103.pdf, Section 1.2

FIXING NEW MEXICO'S ELECTIONS

INTRODUCTION

Citizens of New Mexico and national experts have gone to great lengths to study and document manipulation, vulnerabilities, and fraud in our elections. Examples:

- Election Fraud in New Mexico: https://tinyurl.com/mwtkbhwv
- Otero County Audit Report: https://tinyurl.com/mfacpzpp

But for some reason, our election officials just can't bring themselves to understand or accept the evidence of fraud and manipulation. So, let's give them an easier way to get on the side of the majority of New Mexicans who know there is something seriously wrong with our election system. We will do this using only official documents published by the NM Secretary of State and the Federal Election Assistance Commission (EAC).

CERTIFICATION STANDARD & PROCESS

State law requires the election system comply with the latest federal standard for election systems called the Voluntary Voting System Guidelines (VVSG). To get an election system certified, accredited testing labs must test the current version of the software and hardware being used to determine whether an election system meets the standard.

In 2021, the New Mexico Secretary of State was supposed to re-certify the electronic voting system used in New Mexico, which includes the voting machines, county election management system, epollbooks, and ballot printing system. State statutes require that any system which is not in compliance with the most recent federal standard be decertified (see **NMSA 1-9-7.4(B)**).

DOMINION VOTING SYSTEM IS NOT CERTIFIED

To prove their certification, Dominion Voting Systems pays a testing lab to run a series of tests on their tabulators and election management system to determine if they meet federal standards. The testing lab writes a "test report" with its findings, and that report is used by the SOS to show the equipment meets federal standards.

ProV&V was the testing lab chosen by Dominion. Their accreditation certificate from the EAC is included as **Reference 1**. Note that the expiration date of their accreditation was February 24, 2017:

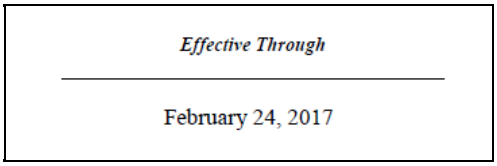


Figure 1. Expiration of ProV&V's Accreditation (see Reference 1)

Now let's look at the test report for the Dominion Voting System we use in New Mexico. The cover page is included as **Reference 2**. Note that the date the test report was published was August 24, 2017 – six months after the expiration of the lab's accreditation:

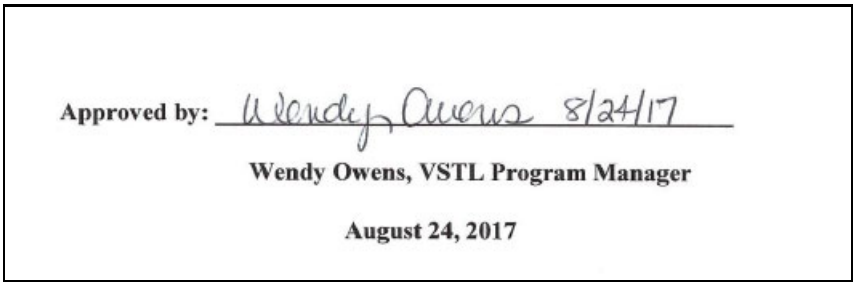


Figure 2. Date of Test Report for Dominion Voting Systems (see Reference 2)

This means that ProV&V improperly conducted the testing of New Mexico's election system since they weren't accredited when they were testing the system. Both Dominion and New Mexico election officials failed to do due diligence to ensure ProV&V was accredited. The test report should never have been accepted.

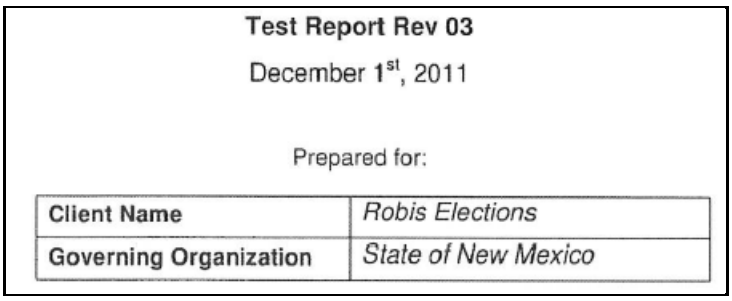
But it gets worse. This lapse in accreditation wasn't even noticed by the election system vendors, the testing labs, the EAC, or any elected officials for ***four years.*** On March 10, 2020, the president of ProV&V wrote a letter to the EAC asking to get reaccredited (**Reference 3**). It took the EAC ***eleventh months*** to respond and re-accredit ProV&V (**Reference 4**). ***The entire certification process for one of our most important national assets – the election system – was allowed to completely lapse for five years***.

There is no profession or industry in existence who would not face serious consequences for a similar breach in a process meant to protect the American people. Improperly providing services or manufacturing products where a certification, license, or accreditation is supposed to be in place would lead to jail time, fines, and loss of careers for anyone else. But when the election system vendors, the EAC, and election officials failed to maintain the lawful certification structure for the election system, they have faced no consequences whatsoever. Neither have they made any effort to remedy this serious lapse which affected most of the states in the country. This gross negligence on the part of the EAC, testing labs, and election system vendors breaks trust, destroys voter confidence, and should not be tolerated by New Mexicans.

By law, the election system must be decertified. We must hand count ballots within individual counties. The electronic voting system vendors and the people who are supposed to oversee them cannot be trusted.

EPOLLBOOKS AREN'T CERTIFIED OR EVEN CERTIFIABLE

The electronic pollbooks/ballot printing system (epollbooks) also require certification. The epollbooks are provided by two companies: Automated Election Services and ROBIS. The certification situation for them is even worse than for the Dominion tabulators. The test report the SOS claims certifies the epollbooks and ballot printers is dated December 1, 2011:


Test Report Rev 03

December 1st, 2011

Prepared for:

Client Name	*Robis Elections*
Governing Organization	*State of New Mexico*

Figure 3. Test Report (see Reference 5)

The problem with the eleven-year-old test report is that ***the software on the epollbooks is updated multiple times per year***. The epollbook vendor confirmed that the software used in New Mexico is automatically distributed over the internet to all the epollbooks when it becomes available like a web-based application used on smartphones.

There is no possible way that the SOS can claim that the ePollbooks and ballot printing systems are certified if they have gone through dozens of iterations of software since they were last tested. The VVSGs explicitly state "After a system has completed initial certification testing, further examination of the system is required if modifications are made to hardware, software, or telecommunications."[1] No state can legally use any product in their election system that is automatically updated over the internet without testing and buy-in from individual jurisdictions.

In addition to being uncertifiable, the ePollbooks are extremely vulnerable because they are internet connected. By monitoring the ePollbooks, it would be possible to determine who has cast a ballot, estimate the outcome, and determine which votes could be borrowed from those who haven't yet voted. The official ballots could also be obtained through this system and printed illegally.

THE STATE'S OWN POST-ELECTION AUDITS PROVE DOMINION TABULATORS FLIP VOTES

State and federal law allow for a maximum of error in election machines of 1 in 125,000 votes, or 0.0008%. This error rate is based on accuracy that had already been achieved using scanning technology in the early 2000's when the federal code governing electronic voting was written. It is an achievable goal. However, based on the post-election audits performed by the New Mexico SOS, our machines come nowhere near meeting this limit.

The post-election audits performed by the SOS involve selecting a limited number of counties, and a limited number of precincts within those counties. A tiny fraction of ballots from those selected precincts are pulled, and a few of the races on them are hand counted. Then those ballots are run through a tabulator and the results of the hand count are compared to the tabulator count. ***In every one of the post-election audits, tabulators were found to miscount and flip votes.***

[1] www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf, Section 4.3.3

Table 1 shows a summary of the results of the Risk Limiting Audits (RLA) performed after every election since 2012. [2] The "Number of Errors" in the table are the number of errors made by the machines on this tiny subset of ballots that were examined across the state.

Table 1. Summary of Official Risk Limiting Audits Since 2012

Election	Number of Errors	Error Rate	Number of Times Error Exceeds the Legal Limit*
2012 General	77	0.213%	266
2014 General	4	0.081%	101
2016 General	5	0.094%	118
2018 General	52	0.254%	318
2020 General	116	0.134%	168

*Per NM State Law, 0.0008% is the maximum allowable error rate

Based on the allowable error rate and the extremely small number of ballots included in the post-election audits – the audits must show zero error to meet state and federal law. But from the table, even the extremely limited RLAs performed by the SOS consistently show error rates hundreds of times higher than are allowable by law, but the SOS has made no effort to determine why these errors are occurring. The machines do not meet the minimum requirements of the election code and must be decertified as a matter of law.

COMMISSIONERS AND COUNTY CLERKS HAVE A DUTY TO FIX THE PROBLEM

Since the SOS has failed to do her duty to provide a properly certified electronic system that complies with state and federal law, individual county elected officials cannot continue to certify election machines and election results unless the ballots are counted in a trustworthy manner. Counties must use existing hand counting procedures to hand count their elections. They must also work together to hold the SOS accountable for failing to do her duty. (See **NMSA 1-20-15, 1-20-22**).

[2] www.sos.state.nm.us/voting-and-elections/voter-information-portal/election-audits-2/

REFERENCE 1

United States Election Assistance Commission

Certificate of Accreditation

Pro V&V, Inc.
Huntsville, Alabama

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 Voluntary Voting Systems Guidelines under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

Effective Through

February 24, 2017

Date: 2/24/15

Acting Executive Director, U.S. Election Assistance Commission

EAC Lab Code: **1501**

REFERENCE 2

Test Report

Dominion Voting Systems
Democracy Suite (D-Suite) System
Version 5.4-NM
Certification Testing

Approved by: Jack Cobb FOR
Michael Walker, VSTL Project Manager

Approved by: Wendy Owens 8/24/17
Wendy Owens, VSTL Program Manager

August 24, 2017

REFERENCE 3

Pro V&V, Inc.
6705 Odyssey Drive, Suite C
Huntsville, AL 35806

March 10, 2020

Jerome Lovato, Testing and Certification Director
U. S. Election Assistance Commission
Voting System Testing and Certification Program
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Re: Letter of Agreement

Dear Mr. Lovato,

The undersigned representative of Pro V&V, Inc.(hereinafter "Laboratory"), being lawfully authorized to bind Laboratory and having read the EAC Voting System Test Laboratory Program Manual, accepts and agrees on behalf of Laboratory to follow the program requirements as laid out in Chapter 2 of the Manual. Laboratory shall meet all program requirements as they relate to NVLAP accreditation; conflict of interest and prohibited practices; personnel policies; notification of changes; resources; site visits, notice of law suits; testing, technical practices and reporting; laboratory independence; authority to do business in the United States; VSTL communications; financial stability; and recordkeeping. Laboratory further recognizes that meeting these program requirements is a continuing responsibility. Failure to meet each of the requirements may result in the denial of an application for accreditation, a suspension of accreditation or a revocation of accreditation.

Sincerely,

Jack Cobb, President
Pro V&V, Inc. Laboratory Director
256.713.1111
jack.cobb@provandv.com

REFERENCE 4

U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

FROM: Jerome Lovato, Voting System Testing and Certification Director

SUBJECT: Pro V&V EAC VSTL Accreditation

DATE: 1/27/2021

Pro V&V has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

> ***Expiration and Renewal of Accreditation.*** *A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.*

Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, Pro V&V retains its EAC VSTL accreditation.

REFERENCE 5

Test Report

State of New Mexico Ballot on Demand Testing Program

Test Report Rev 03

December 1st, 2011

Prepared for:

Client Name	*Robis Elections*
Governing Organization	*State of New Mexico*

Prepared by:

216 16th St.
Suite 700
Denver, CO 80202
303-575-6881
www.SLIGlobalsolutions.com

NVLAP LAB CODE 200733-0

Accredited by the National Institute of Standards and Technology (NIST) National Voluntary Lab Accreditation Program (NVLAP), and accredited by the Election Assistance Commission (EAC) for VSTL status.

brenda.green@unionnm.us

From: ToulouseOliver, Maggie, SOS <Maggie.TOliver@state.nm.us>
Sent: Thursday, July 21, 2022 1:25 PM
To: Green1, Brenda; Vigil, Mandy, SOS
Cc: Harkins, Mary Lou
Subject: RE: [EXTERNAL] Dominion machines in compliance with EAC standards prior to 2022 Primary

Hey there, thanks for the follow up!

So, picking apart the concerns you raised a little bit:

1) Yes, I think we can confidently say they were certified prior to the Primary of '22. Not only did we follow the statutory quadrennial state certification process, you can always talk about how your machines (all the machines) are pre-certified using the logic and accuracy test, in a public and transparent way, prior to every election. So we aren't taking for granted that just because they counted the results correctly in the last election that they will again. And as you know, we do that before we use them in every election.

2) The issue with 2.0 is that even though the standards have been approved, or "adopted" by the EAC, they are not in effect. I will send you some info from EAC about how this process works. The EAC adopts the standards, then they go through a process of having the independent test labs (VSTLs) become certified to be able test to that standard. Currently, there are *no* test labs in the country that are certified to do that testing. They are all in the process of working toward certification.

3) Third, there are currently *no* voting systems in the country that are certified to 2.0 because as (see #2) they cant even test to that standard yet.

The EAC calls this "implementation lag," so even though the standards were adopted, they're not yet in effect because of #2 and #3 above. Does that make sense?

I hear you loud and clear on a request to cover this in more depth at election school, and I'm hoping maybe we can bring someone from the EAC out specifically to talk about the 2.0 issue.

I'll try and gather some more info for you and keep you updated on the election school idea!

Thanks so much, Brenda,

Maggie

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Maggie Toulouse Oliver | Secretary of State
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Follow us on Facebook + Twitter

The 2010 amendment, effective March 3, 2010, in the catchline, after "technicians", deleted "approval of contracts"; deleted former Subsection A, which provided that the secretary of state shall approve all arrangements between a county and a voting system technician based on the adequacy of the training and expertise of the technician and the reasonableness of the compensation for the services based on the type of election and number of systems used; in Subsection A, after "technicians shall be", added "trained and"; after "and expertise on", deleted "electronic"; and after "voting systems", added "certified for use in the state"; added Subsection B; in Subsection C, after "means any person who", deleted "programs, clears, inspects, repairs electronic" and added "is trained and certified to program, inspect, properly store and troubleshoot"; and at the end of the sentence, deleted "for compensation"; and in Subsection D, after "shall adopt rules", deleted "governing the use, maintenance and repair of electronic voting systems" and added the remainder of the sentence.

The 2001 amendment, effective June 15, 2001, substituted "voting system" for "voting machine" throughout the section; deleted the provisions that specified compensation amounts for voting system technicians in Subsection A; and deleted "lever voting machines and" preceding "electronic voting systems" in Subsections B, C and D.

The 1991 amendment, effective April 2, 1991, in Paragraph (2) of Subsection A, inserted "for programming" and "lever-type voting" in the first sentence and added the second and third sentences.

1-9-14. Voting systems; authority of the secretary of state to test; certification.

A. The secretary of state shall provide for the testing and evaluation of voting systems designed for the purpose of recording and tabulating votes within polling places in New Mexico. All voting systems certified for use in the state shall be tested by an independent authority and shall comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.

B. Any person who has a voting system that is designed for the purpose of recording and tabulating votes within a polling place may apply on or before June 1 of any odd-numbered year to the secretary of state to have the equipment examined and tested for certification. At the time application is made for initial certification, the applicant shall pay for testing each system in an amount that reflects the actual cost of such test. Upon receipt of the application, the secretary of state shall examine and study the voting system to ensure that it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission. As part of the examination, the secretary of state shall require the system to be independently inspected by persons or testing laboratories technically qualified to evaluate and test the operation and component parts of voting systems and shall require a written report on the results of such testing. The secretary of state may authorize field testing of the equipment in one or more polling places in any state or local government election; provided that such field tests shall be conducted at no cost to the state or any local government.

C. Upon completion of all tests and examination of all written test reports, the secretary of state shall make a written report of the result of the findings and shall file that report, together with the written test reports, in the office of the secretary of state and post them on the secretary

of state's website. The secretary of state shall accept public comment during the twenty-one days following the filing of the written report.

D. Following the period of public comment, the secretary of state shall submit the filed reports and any public comments for consideration by the voting system certification committee. The voting system certification committee shall make recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code.

E. The voting system certification committee shall recommend that a voting system be certified for use in the state only if it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.

F. If the voting system certification committee report finds that the voting system does not comply with all requirements in the Election Code or does not meet federal election standards, the secretary of state shall allow thirty days for an appeal of the findings to be filed or for the deficiencies to be corrected, following which the secretary of state shall report back to the voting system certification committee with a written final report.

G. The voting system certification committee shall reconvene to consider the final report of the secretary of state and shall make final recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code.

H. If the voting system certification committee recommends that the voting system is suitable for use in elections in New Mexico, within thirty days of receiving the recommendation, the secretary of state shall certify or recertify the equipment for use in elections in this state.

I. If the voting system certification committee does not recommend that the voting system for recording and tabulating votes is suitable for use in elections in New Mexico, within thirty days of receiving the recommendation, the secretary of state shall deny the application or decertify the equipment for use in elections in this state.

History: Laws 1983, ch. 226, § 1; 1989, ch. 297, § 1; 1991, ch. 106, § 7; 2001, ch. 233, § 9; 2010, ch. 28, § 17; 2017, ch. 101, § 13.

ANNOTATIONS

The 2017 amendment, effective June 16, 2017, removed the deadline by which tests and inspections of voting systems must be completed; and in Subsection B, deleted "These tests and inspections shall be completed within six months of the date of application.".

The 2010 amendment, effective March 3, 2010, in the catchline, deleted "Computer voting devices" and added "Voting systems" and after "test;", added "certification"; in Subsection A, in the first sentence, deleted "Notwithstanding any other provision of the Election Code"; after "testing and evaluation of", deleted "internal computers" and added "voting systems"; and added the second sentence; in Subsection B, in the first sentence, after "Any person who has", deleted "an internal computer which" and added "a voting system that" and after "examined and tested", added "for certification"; in the second sentence, after "application is made", added "for initial certification"; in the third sentence, after "examine and study the", deleted "computer" and after "voting system" added the remainder of the sentence; in the fourth sentence, after "operation

and component parts of", deleted "an internal computer for recording and tabulating votes" and added "voting systems"; and in the fifth sentence, after "in one or more", deleted "precincts" and added "polling places"; in Subsection C, in the first sentence, after "findings and shall", deleted language that required the secretary of state to submit a report of the findings to a committee composed of the secretary of state, the state chief information officer and a county clerk appointed by the governor and added the remainder of the sentence; and added the second sentence; deleted former Subsection D, which provided that if the committee approves the use of internal computers, then the secretary of state shall prescribe specifications for internal computers designed to provide a system of recording and tabulating votes to secure the integrity of the ballot; in new Subsection D, added the first sentence; in the second sentence, after "The", added "voting system certification"; and deleted the former second sentence, which provided that the report shall be a public record; added Subsections E, F and G; in Subsection H, after "If the", added "voting system certification"; after "committee recommends that the", deleted "internal computer for recording and tabulating votes" and added "voting system"; after "suitable for use in", deleted "polling places for the conduct of"; after "New Mexico,", deleted "such" and added "within thirty days of receiving the recommendation, the secretary of state shall certify or recertify the"; after "recertify the equipment", deleted "shall be deemed approved"; and at the end of the sentence, deleted "no later than January 1 of the succeeding year"; and added Subsection I.

The 2001 amendment, effective June 15, 2001, substituted "system" for "machine" throughout Subsection A; and substituted "state chief information officer" for "director of the information systems division of the general services department" in Subsection B.

The 1991 amendment, effective April 2, 1991, in Subsection A, rewrote the third sentence which read "At the time application is made, the applicant shall pay to the secretary of state an examination fee of two thousand five hundred dollars ($2,500) per machine to be tested", deleted "and examination fee" following "application" in the fourth sentence, deleted the former sixth sentence which read "The application fee shall be used to pay for the cost of such testing" and, at the beginning of the present sixth sentence, substituted "The secretary of state may" for "In addition, the secretary of state shall".

Applicability of Procurement Code. — This section does not bar application of the Procurement Code, 13-1-28 to 13-1-199 NMSA 1978, to the purchase of internal computers used to record and tabulate votes, and the Procurement Code applies to such devices so used after November 1, 1984. 1988 Op. Att'y Gen. No. 88-68.

1-9-15. Repealed.

History: 1953 Comp., § 1-9-15, enacted by Laws 1985, ch. 207, § 14; 1989, ch. 297, § 2; 1991, ch. 106, § 8; 2001, ch. 233, § 10; 2003, ch. 356, § 25; repealed by Laws 2010, ch. 28, § 22.

ANNOTATIONS

Repeals. — Laws 2010, ch. 28, § 22 repealed 1-9-15 NMSA 1978, as enacted by Laws 1985, ch. 207, § 14, relating to electronic recording and tabulating voting systems, effective March 3, 2010. For provisions of former section, *see* the 2009 NMSA 1978 on *NMOneSource.com*.

1-9-16. Repealed.

Voluntary Voting System Guidelines VVSG 2.0

Requirements for the Voluntary Voting System Guidelines 2.0

February 10, 2021

Prepared for the ***Election Assistance Commission***

At the direction of the
Technical Guidelines Development Committee

Test Report

Dominion Voting Systems
Democracy Suite (D-Suite) System
Version 5.4-NM
Certification Testing

Approved by: _____
for
Michael Walker, VSTL Project Manager

Approved by: Wendy Owens 8/24/17
Wendy Owens, VSTL Program Manager

August 24, 2017

v. TR-01-02-DVS-016.01

ANNOTATIONS

Emergency clauses. — Laws 2010, ch. 28, § 24 contained an emergency clause and was approved March 3, 2010.

1-9-7.4. Voting systems; authority of the secretary of state to recertify and decertify.

A. Each voting system certified for use in the state shall be reviewed for recertification by the secretary of state during the year following a presidential election. Tests and inspections conducted pursuant to this section shall begin no later than June 1 and shall follow the procedures in Section 1-9-14 NMSA 1978.

B. If at any time the secretary of state becomes aware that a voting system certified for use in this state does not comply with all requirements in the Election Code [Chapter 1 NMSA 1978] or meet federal election standards, the secretary of state shall undertake an investigation to determine if the voting system should continue to be certified for use in the state. Tests and inspections conducted pursuant to this section shall commence upon the order of the secretary of state and shall follow the procedures in Section 1-9-14 NMSA 1978. A voting system that does not comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission shall be decertified for use in this state.

History: Laws 2010, ch. 28, § 2.

ANNOTATIONS

Emergency clauses. — Laws 2010, ch. 28, § 24 contained an emergency clause and was approved March 3, 2010.

1-9-7.5. Voting systems; voting system certification committee; members.

A. The "voting system certification committee" is created. The committee shall review written test reports and the findings of the secretary of state on the certification, recertification and decertification of voting systems for use in elections in the state.

B. The voting system certification committee shall be composed of:

(1) the secretary of information technology or the secretary's designee from within the department of information technology; and

(2) four additional members as follows:

(a) one member appointed by the president pro tempore of the senate;

(b) one member appointed by the minority floor leader of the senate;

(c) one member appointed by the speaker of the house of representatives; and

Immediately upon the time of the closing of the polls, the election judges and presiding judge, in the presence of those lawfully permitted to be present, shall publicly destroy all unused paper ballots.

History: 1953 Comp., § 3-12-97, enacted by Laws 1977, ch. 222, § 66; 2009, ch. 150, § 27.

ANNOTATIONS

The 2009 amendment, effective June 19, 2009, after "Immediately upon", added "the time of"; after "closing of the polls", deleted "and before any ballot box is unlocked"; and after "unused", deleted "emergency".

Am. Jur. 2d, A.L.R. and C.J.S. references. — Treatment of excess or illegal ballots when it is not known for which candidate or on which side of a proposition they were cast, 155 A.L.R. 677.

1-12-64. Repealed.

History: 1953 Comp., § 3-12-98, enacted by Laws 1977, ch. 222, § 67; repealed by Laws 2009, ch. 150, § 37.

ANNOTATIONS

Repeals. — Laws 2009, ch. 150, § 37 repealed 1-12-64 NMSA 1978, as enacted by Laws 1977, ch. 222, § 67, relating to emergency situations, the county clerk and destruction of unused emergency paper ballots, effective June 19, 2009. For provisions of former section, *see* the 2008 NMSA 1978 on *NMOneSource.com*.

1-12-65. Emergency situations; paper ballots; counting and tallying procedures.

A. The presiding judge and the election judges, assisted by the election clerks, shall count the number of paper ballots that were not tabulated by the electronic vote tabulator, write the number of such ballots on each copy of the certificate of returns for that polling place and place the paper ballots that were not tabulated by the electronic vote tabulator in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for machine-tabulation or hand-tallying of the ballots.

B. The presiding judge and the election judges, assisted by the election clerks, shall count the number of machine-tabulated paper ballots with write-in votes, write the number of such ballots on each copy of the certificate of returns for that polling place and place those paper ballots with write-in votes in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for manual counting of the write-in votes.

C. The tallying of paper ballots that were not tabulated by the electronic vote tabulator at the polling place and the counting of ballots with write-in votes shall be in accordance with procedures prescribed by the secretary of state.

History: 1953 Comp., § 3-12-99, enacted by Laws 1977, ch. 222, § 68; 1991, ch. 105, § 37; 2009, ch. 150, § 28; 2019, ch. 212, § 117.

ANNOTATIONS

Cross references. — For marking emergency paper ballots, see 1-12-53 NMSA 1978.

The 2019 amendment, effective April 3, 2019, revised the procedure for counting paper ballots when the paper ballots were not tabulated by the electronic vote tabulator; in Subsection A, after "shall count", deleted "and tally", after the next occurrence of "the", added "number of", after "electronic vote tabulator", deleted "and certify the results of the election on the form on the tally sheet setting opposite the name of each candidate in figures the total number of votes cast for the candidate, and they shall set forth in the spaces provided therefor the total number of votes cast for and against each constitutional amendment and other questions. Paper ballots not marked as required by the Election Code shall not be counted. The precinct board shall sign the tally sheet certificate" and added "write the number of such ballots on each copy of the certificate of returns for that polling place and place the paper ballots that were not tabulated by the electronic vote tabulator in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for machine-tabulation or hand-tallying of the ballots."; added a new Subsection B and redesignated former Subsection B as Subsection C; and in Subsection C, deleted "counting and", and after "paper ballots", deleted "in an emergency situation" and added "that were not tabulated by the electronic vote tabulator at the polling place and the counting of ballots with write-in votes".

The 2009 amendment, effective June 19, 2009, in Subsection A, after "tally the", deleted "emergency"; after "paper ballots", added "that were not tabulated by the electronic vote tabulator"; and at the beginning of the second sentence, deleted "Emergency"; and in Subsection B, after "tallying of", deleted "emergency"; and after "paper ballots", added "in emergency situations".

The 1991 amendment, effective April 2, 1991, in Subsection A, in the first sentence, substituted "on the tally sheet" for "in the tally books", deleted "words and" following "candidate in" and substituted "and against" for "or against" near the end and, in the third sentence, substituted "sheet" for "books".

Am. Jur. 2d, A.L.R. and C.J.S. references. — 26 Am. Jur. 2d Elections § 385 et seq.

Excess or illegal ballots, treatment of, when it is not known for which candidate or upon which side of a proposition they were cast, 155 A.L.R. 677.

29 C.J.S. Elections §§ 221 to 240.

1-12-66. Paper ballots; signature rosters, checklist of voters and tally sheets; disposition.

A. After all certificates have been executed, the presiding judge and the two election judges shall place the checklist of voters and one copy of the certificate of returns in that polling place

curryelections@currycounty.org

From: S Martin <cccd4martin@gmail.com>
Sent: Friday, October 28, 2022 2:32 PM
To: Annie Hogland
Subject: [EXTERNAL SENDER] Fwd: Important Information Regarding: Voting Machines are NOT Certified (as Required NM Election Code
Attachments: SOS Communication with Union Co law, Guidelines title page etc.pdf

---------- Forwarded message ---------
From: **Cynthia Lujan** <cindylu65@gmail.com>
Date: Fri, Oct 28, 2022 at 2:30 PM
Subject: Important Information Regarding: Voting Machines are NOT Certified (as Required NM Election Code
To: <bsandoval@currycounty.org>, <tmartin@currycounty.org>, <cspear@currycounty.org>, <cccd4martin@gmail.com>, <rthornton@currycounty.org>

Dear Curry County Commissioners,

I have enclosed a copy of the Secretary of States' communication to the Union County Clerk obtained by IPRA. In the communication, the Secretary of State is explaining that the voting machines are not currently certified to the most recent standards. I want to commend the Union County Clerk for asking these questions for her constituents.

Please refer to item 3. In the SOS's own words:

" there are currently ***no*** voting systems in the country that are certified to 2.0 because as (see #2) they can't even test to that standard yet."

There are some states that have not codified these standards, but the problem is, New Mexico did.

NM Election Code 1-9-14 (A) (B) (C)(E) states "**shall** be tested by an independent authority **and shall** comply with all requirements in the Election Code **and** the most recent voluntary voting system guidelines adopted by the United States election assistance commission."

You have now been publicly informed the machines are not certifiable under New Mexico Election Law.

The most recent voluntary voting system guidelines are 2.0. They were adopted February 10, 2021. I have provided the Title page so you can look it up and read.

The most recent independent testing done by the SOS on the voting machines was August 24, 2017 and Pro V&V's own certification had lapsed at the time of testing. There is a copy of the Title page of the test for you and it is on the SOS website.

The remedy for not testing to the most recent standards is found in NM Election Code 1-9-7.4 (B) the last sentence…" A voting system that does not comply with **all** requirements in the Election Code and the **most recent voluntary voting system guidelines** adopted by the United States election assistance commission **shall be decertified** for use in this state.

New Mexico Election Code 1-12-65 (A) provides guidance in case of an emergency, such as uncertified machines, which is hand-tallying of the ballots.

The Voting Machines were to be recertified according to NM Election Code 1-9-7.4 (A) & (B) ..”Shall be reviewed for recertification by the secretary of state during the year following a presidential election. Tests and inspections conducted pursuant to this section shall begin no later than June 1 and **shall** follow procedures in Section 1-9-14 NMSA 1978. None of the machines were recertified as required by law by June 1, 2021, therefore, they are not currently certified.

Thank you for your attention to this matter. It will become very important as the Commissioners and the Canvassing Board move forward to decide on the certification of the November 8th general election. Were these elections held in a legal way that aligns with the New Mexico and US Constitutions?

Respectfully submitted,

Cynthia Canner

Citizen of New Mexico

brenda.green@unionnm.us

From: ToulouseOliver, Maggie, SOS <Maggie.TOliver@state.nm.us>
Sent: Thursday, July 21, 2022 1:25 PM
To: Green1, Brenda; Vigil, Mandy, SOS
Cc: Harkins, Mary Lou
Subject: RE: [EXTERNAL] Dominion machines in compliance with EAC standards prior to 2022 Primary

Hey there, thanks for the follow up!

So, picking apart the concerns you raised a little bit:

1) Yes, I think we can confidently say they were certified prior to the Primary of '22. Not only did we follow the statutory quadrennial state certification process, you can always talk about how your machines (all the machines) are pre-certified using the logic and accuracy test, in a public and transparent way, prior to every election. So we aren't taking for granted that just because they counted the results correctly in the last election that they will again. And as you know, we do that before we use them in every election.

2) The issue with 2.0 is that even though the standards have been approved, or "adopted" by the EAC, they are not in effect. I will send you some info from EAC about how this process works. The EAC adopts the standards, then they go through a process of having the independent test labs (VSTLs) become certified to be able test to that standard. Currently, there are *no* test labs in the country that are certified to do that testing. They are all in the process of working toward certification.

3) Third, there are currently *no* voting systems in the country that are certified to 2.0 because as (see #2) they cant even test to that standard yet.

The EAC calls this "implementation lag," so even though the standards were adopted, they're not yet in effect because of #2 and #3 above. Does that make sense?

I hear you loud and clear on a request to cover this in more depth at election school, and I'm hoping maybe we can bring someone from the EAC out specifically to talk about the 2.0 issue.

I'll try and gather some more info for you and keep you updated on the election school idea!

Thanks so much, Brenda,

Maggie

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Maggie Toulouse Oliver | Secretary of State
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Follow us on Facebook + Twitter

The 2010 amendment, effective March 3, 2010, in the catchline, after "technicians", deleted "approval of contracts"; deleted former Subsection A, which provided that the secretary of state shall approve all arrangements between a county and a voting system technician based on the adequacy of the training and expertise of the technician and the reasonableness of the compensation for the services based on the type of election and number of systems used; in Subsection A, after "technicians shall be", added "trained and"; after "and expertise on", deleted "electronic"; and after "voting systems", added "certified for use in the state"; added Subsection B; in Subsection C, after "means any person who", deleted "programs, clears, inspects, repairs electronic" and added "is trained and certified to program, inspect, properly store and troubleshoot"; and at the end of the sentence, deleted "for compensation"; and in Subsection D, after "shall adopt rules", deleted "governing the use, maintenance and repair of electronic voting systems" and added the remainder of the sentence.

The 2001 amendment, effective June 15, 2001, substituted "voting system" for "voting machine" throughout the section; deleted the provisions that specified compensation amounts for voting system technicians in Subsection A; and deleted "lever voting machines and" preceding "electronic voting systems" in Subsections B, C and D.

The 1991 amendment, effective April 2, 1991, in Paragraph (2) of Subsection A, inserted "for programming" and "lever-type voting" in the first sentence and added the second and third sentences.

1-9-14. Voting systems; authority of the secretary of state to test; certification.

A. The secretary of state shall provide for the testing and evaluation of voting systems designed for the purpose of recording and tabulating votes within polling places in New Mexico. All voting systems certified for use in the state shall be tested by an independent authority and shall comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.

B. Any person who has a voting system that is designed for the purpose of recording and tabulating votes within a polling place may apply on or before June 1 of any odd-numbered year to the secretary of state to have the equipment examined and tested for certification. At the time application is made for initial certification, the applicant shall pay for testing each system in an amount that reflects the actual cost of such test. Upon receipt of the application, the secretary of state shall examine and study the voting system to ensure that it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission. As part of the examination, the secretary of state shall require the system to be independently inspected by persons or testing laboratories technically qualified to evaluate and test the operation and component parts of voting systems and shall require a written report on the results of such testing. The secretary of state may authorize field testing of the equipment in one or more polling places in any state or local government election; provided that such field tests shall be conducted at no cost to the state or any local government.

C. Upon completion of all tests and examination of all written test reports, the secretary of state shall make a written report of the result of the findings and shall file that report, together with the written test reports, in the office of the secretary of state and post them on the secretary

of state's website. The secretary of state shall accept public comment during the twenty-one days following the filing of the written report.

D. Following the period of public comment, the secretary of state shall submit the filed reports and any public comments for consideration by the voting system certification committee. The voting system certification committee shall make recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code.

E. The voting system certification committee shall recommend that a voting system be certified for use in the state only if it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.

F. If the voting system certification committee report finds that the voting system does not comply with all requirements in the Election Code or does not meet federal election standards, the secretary of state shall allow thirty days for an appeal of the findings to be filed or for the deficiencies to be corrected, following which the secretary of state shall report back to the voting system certification committee with a written final report.

G. The voting system certification committee shall reconvene to consider the final report of the secretary of state and shall make final recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code.

H. If the voting system certification committee recommends that the voting system is suitable for use in elections in New Mexico, within thirty days of receiving the recommendation, the secretary of state shall certify or recertify the equipment for use in elections in this state.

I. If the voting system certification committee does not recommend that the voting system for recording and tabulating votes is suitable for use in elections in New Mexico, within thirty days of receiving the recommendation, the secretary of state shall deny the application or decertify the equipment for use in elections in this state.

History: Laws 1983, ch. 226, § 1; 1989, ch. 297, § 1; 1991, ch. 106, § 7; 2001, ch. 233, § 9; 2010, ch. 28, § 17; 2017, ch. 101, § 13.

ANNOTATIONS

The 2017 amendment, effective June 16, 2017, removed the deadline by which tests and inspections of voting systems must be completed; and in Subsection B, deleted "These tests and inspections shall be completed within six months of the date of application.".

The 2010 amendment, effective March 3, 2010, in the catchline, deleted "Computer voting devices" and added "Voting systems" and after "test;", added "certification"; in Subsection A, in the first sentence, deleted "Notwithstanding any other provision of the Election Code"; after "testing and evaluation of", deleted "internal computers" and added "voting systems"; and added the second sentence; in Subsection B, in the first sentence, after "Any person who has", deleted "an internal computer which" and added "a voting system that" and after "examined and tested", added "for certification"; in the second sentence, after "application is made", added "for initial certification"; in the third sentence, after "examine and study the", deleted "computer" and after "voting system" added the remainder of the sentence; in the fourth sentence, after "operation

and component parts of", deleted "an internal computer for recording and tabulating votes" and added "voting systems"; and in the fifth sentence, after "in one or more", deleted "precincts" and added "polling places"; in Subsection C, in the first sentence, after "findings and shall", deleted language that required the secretary of state to submit a report of the findings to a committee composed of the secretary of state, the state chief information officer and a county clerk appointed by the governor and added the remainder of the sentence; and added the second sentence; deleted former Subsection D, which provided that if the committee approves the use of internal computers, then the secretary of state shall prescribe specifications for internal computers designed to provide a system of recording and tabulating votes to secure the integrity of the ballot; in new Subsection D, added the first sentence; in the second sentence, after "The", added "voting system certification"; and deleted the former second sentence, which provided that the report shall be a public record; added Subsections E, F and G; in Subsection H, after "If the", added "voting system certification"; after "committee recommends that the", deleted "internal computer for recording and tabulating votes" and added "voting system"; after "suitable for use in", deleted "polling places for the conduct of"; after "New Mexico,", deleted "such" and added "within thirty days of receiving the recommendation, the secretary of state shall certify or recertify the"; after "recertify the equipment", deleted "shall be deemed approved"; and at the end of the sentence, deleted "no later than January 1 of the succeeding year"; and added Subsection I.

The 2001 amendment, effective June 15, 2001, substituted "system" for "machine" throughout Subsection A; and substituted "state chief information officer" for "director of the information systems division of the general services department" in Subsection B.

The 1991 amendment, effective April 2, 1991, in Subsection A, rewrote the third sentence which read "At the time application is made, the applicant shall pay to the secretary of state an examination fee of two thousand five hundred dollars ($2,500) per machine to be tested", deleted "and examination fee" following "application" in the fourth sentence, deleted the former sixth sentence which read "The application fee shall be used to pay for the cost of such testing" and, at the beginning of the present sixth sentence, substituted "The secretary of state may" for "In addition, the secretary of state shall".

Applicability of Procurement Code. — This section does not bar application of the Procurement Code, 13-1-28 to 13-1-199 NMSA 1978, to the purchase of internal computers used to record and tabulate votes, and the Procurement Code applies to such devices so used after November 1, 1984. 1988 Op. Att'y Gen. No. 88-68.

1-9-15. Repealed.

History: 1953 Comp., § 1-9-15, enacted by Laws 1985, ch. 207, § 14; 1989, ch. 297, § 2; 1991, ch. 106, § 8; 2001, ch. 233, § 10; 2003, ch. 356, § 25; repealed by Laws 2010, ch. 28, § 22.

ANNOTATIONS

Repeals. — Laws 2010, ch. 28, § 22 repealed 1-9-15 NMSA 1978, as enacted by Laws 1985, ch. 207, § 14, relating to electronic recording and tabulating voting systems, effective March 3, 2010. For provisions of former section, *see* the 2009 NMSA 1978 on *NMOneSource.com*.

1-9-16. Repealed.

Voluntary Voting System Guidelines VVSG 2.0

Requirements for the Voluntary Voting System Guidelines 2.0

February 10, 2021

Prepared for the ***Election Assistance Commission***

At the direction of the
Technical Guidelines Development Committee

Test Report

Dominion Voting Systems
Democracy Suite (D-Suite) System
Version 5.4-NM
Certification Testing

Approved by: _____
for
Michael Walker, VSTL Project Manager

Approved by: Wendy Owens 8/24/17
Wendy Owens, VSTL Program Manager

August 24, 2017

v. TR-01-02-DVS-016.01

ANNOTATIONS

Emergency clauses. — Laws 2010, ch. 28, § 24 contained an emergency clause and was approved March 3, 2010.

1-9-7.4. Voting systems; authority of the secretary of state to recertify and decertify.

A. Each voting system certified for use in the state shall be reviewed for recertification by the secretary of state during the year following a presidential election. Tests and inspections conducted pursuant to this section shall begin no later than June 1 and shall follow the procedures in Section 1-9-14 NMSA 1978.

B. If at any time the secretary of state becomes aware that a voting system certified for use in this state does not comply with all requirements in the Election Code [Chapter 1 NMSA 1978] or meet federal election standards, the secretary of state shall undertake an investigation to determine if the voting system should continue to be certified for use in the state. Tests and inspections conducted pursuant to this section shall commence upon the order of the secretary of state and shall follow the procedures in Section 1-9-14 NMSA 1978. A voting system that does not comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission shall be decertified for use in this state.

History: Laws 2010, ch. 28, § 2.

ANNOTATIONS

Emergency clauses. — Laws 2010, ch. 28, § 24 contained an emergency clause and was approved March 3, 2010.

1-9-7.5. Voting systems; voting system certification committee; members.

A. The "voting system certification committee" is created. The committee shall review written test reports and the findings of the secretary of state on the certification, recertification and decertification of voting systems for use in elections in the state.

B. The voting system certification committee shall be composed of:

(1) the secretary of information technology or the secretary's designee from within the department of information technology; and

(2) four additional members as follows:

(a) one member appointed by the president pro tempore of the senate;

(b) one member appointed by the minority floor leader of the senate;

(c) one member appointed by the speaker of the house of representatives; and

Immediately upon the time of the closing of the polls, the election judges and presiding judge, in the presence of those lawfully permitted to be present, shall publicly destroy all unused paper ballots.

History: 1953 Comp., § 3-12-97, enacted by Laws 1977, ch. 222, § 66; 2009, ch. 150, § 27.

ANNOTATIONS

The 2009 amendment, effective June 19, 2009, after "Immediately upon", added "the time of"; after "closing of the polls", deleted "and before any ballot box is unlocked"; and after "unused", deleted "emergency".

Am. Jur. 2d, A.L.R. and C.J.S. references. — Treatment of excess or illegal ballots when it is not known for which candidate or on which side of a proposition they were cast, 155 A.L.R. 677.

1-12-64. Repealed.

History: 1953 Comp., § 3-12-98, enacted by Laws 1977, ch. 222, § 67; repealed by Laws 2009, ch. 150, § 37.

ANNOTATIONS

Repeals. — Laws 2009, ch. 150, § 37 repealed 1-12-64 NMSA 1978, as enacted by Laws 1977, ch. 222, § 67, relating to emergency situations, the county clerk and destruction of unused emergency paper ballots, effective June 19, 2009. For provisions of former section, *see* the 2008 NMSA 1978 on *NMOneSource.com*.

1-12-65. Emergency situations; paper ballots; counting and tallying procedures.

A. The presiding judge and the election judges, assisted by the election clerks, shall count the number of paper ballots that were not tabulated by the electronic vote tabulator, write the number of such ballots on each copy of the certificate of returns for that polling place and place the paper ballots that were not tabulated by the electronic vote tabulator in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for machine-tabulation or hand-tallying of the ballots.

B. The presiding judge and the election judges, assisted by the election clerks, shall count the number of machine-tabulated paper ballots with write-in votes, write the number of such ballots on each copy of the certificate of returns for that polling place and place those paper ballots with write-in votes in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for manual counting of the write-in votes.

C. The tallying of paper ballots that were not tabulated by the electronic vote tabulator at the polling place and the counting of ballots with write-in votes shall be in accordance with procedures prescribed by the secretary of state.

History: 1953 Comp., § 3-12-99, enacted by Laws 1977, ch. 222, § 68; 1991, ch. 105, § 37; 2009, ch. 150, § 28; 2019, ch. 212, § 117.

ANNOTATIONS

Cross references. — For marking emergency paper ballots, see 1-12-53 NMSA 1978.

The 2019 amendment, effective April 3, 2019, revised the procedure for counting paper ballots when the paper ballots were not tabulated by the electronic vote tabulator; in Subsection A, after "shall count", deleted "and tally", after the next occurrence of "the", added "number of", after "electronic vote tabulator", deleted "and certify the results of the election on the form on the tally sheet setting opposite the name of each candidate in figures the total number of votes cast for the candidate, and they shall set forth in the spaces provided therefor the total number of votes cast for and against each constitutional amendment and other questions. Paper ballots not marked as required by the Election Code shall not be counted. The precinct board shall sign the tally sheet certificate" and added "write the number of such ballots on each copy of the certificate of returns for that polling place and place the paper ballots that were not tabulated by the electronic vote tabulator in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for machine-tabulation or hand-tallying of the ballots."; added a new Subsection B and redesignated former Subsection B as Subsection C; and in Subsection C, deleted "counting and", and after "paper ballots", deleted "in an emergency situation" and added "that were not tabulated by the electronic vote tabulator at the polling place and the counting of ballots with write-in votes".

The 2009 amendment, effective June 19, 2009, in Subsection A, after "tally the", deleted "emergency"; after "paper ballots", added "that were not tabulated by the electronic vote tabulator"; and at the beginning of the second sentence, deleted "Emergency"; and in Subsection B, after "tallying of", deleted "emergency"; and after "paper ballots", added "in emergency situations".

The 1991 amendment, effective April 2, 1991, in Subsection A, in the first sentence, substituted "on the tally sheet" for "in the tally books", deleted "words and" following "candidate in" and substituted "and against" for "or against" near the end and, in the third sentence, substituted "sheet" for "books".

Am. Jur. 2d, A.L.R. and C.J.S. references. — 26 Am. Jur. 2d Elections § 385 et seq.

Excess or illegal ballots, treatment of, when it is not known for which candidate or upon which side of a proposition they were cast, 155 A.L.R. 677.

29 C.J.S. Elections §§ 221 to 240.

1-12-66. Paper ballots; signature rosters, checklist of voters and tally sheets; disposition.

A. After all certificates have been executed, the presiding judge and the two election judges shall place the checklist of voters and one copy of the certificate of returns in that polling place

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Sunday, November 6, 2022 2:59 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] FYSA - Planned SERVIS Outage today 9pm

Good afternoon,

SERVIS will be down this evening beginning at 9pm. This outage is planned to provide our team with an opportunity to create a current and complete back up copy of the system data ahead of Tuesday.

Please reach out to me directly with any questions.

Best,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Thursday, October 13, 2022 4:27 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] Guidance on Certificate of Preparation
Attachments: 2022 General_Guidance on Certificate of Preparation.pdf

Importance: High

Dear Clerks:

Based on questions received and, in an effort, to clarify a county clerk's duty to prepare, inspect, certify and seal electronic voting machines that are to be used in the election we provide the following guidance.

Please reach out with any questions via nmclerk@sos.nm.gov.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election
Guidance on Certificate of Preparation

In an effort to clarify a county clerk's duty to prepare, inspect, certify and seal electronic voting machines that are to be used in the election we provide the following guidance.

Pursuant to NMSA 1978, Section 1-11-5:

> Forty-two days before the election, the county clerk may begin to prepare, inspect, certify and seal electronic voting machines that are to be used in the election, and such preparation, inspection, certification and sealing shall continue until all machines are prepared, inspected, certified and sealed

The election code sets forth the manner of how voting machines are prepared and tested, and requires that "all programming of vote tabulating machines shall be tested under the supervision of the county clerk." NMSA 1978, §§ 1-11-6 and 6.1. The election code further requires that immediately after each electronic voting machine has been prepared for the election, the county clerk must prepare a written certificate and file it in the county clerk's office. NMSA 1978, § 1-11-7.

What these provisions of the election code require is that the final written certificate of preparation be signed only after all the programing of the voting machines has been satisfactorily completed and not before. The county clerk must also supervise the process.

As each county clerk has a deputy who has taken the same oath of office and can perform all the duties of the county clerk, there is no issue with the county clerk delegating to the deputy the responsibility to supervise or sign the certificate of preparation if the deputy attends the programming and the testing of the machines.

Finally, this process is meant to be open to the public. So, in addition to the requirements above please remember that political party representatives, election observers and candidates may be present at the preparation, inspection and sealing of the voting machines to ensure compliance with the Election Code.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Thursday, October 13, 2022 4:36 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com
Subject: [EXTERNAL SENDER] Guidance on Defaced Ballots
Attachments: 2022 General_Guidance on Defaced Ballots.pdf

Importance: High

Dear Clerks:

We have become aware of the clerk's concerns regarding voters who will scratch out the timing marks or somehow alter the ballot in such a way that the ballot cannot be read by the tabulator. In an effort to uniformly administer the 2022 General Election we provide the attached guidance on defaced ballots.

Please reach out to us with questions at nmclerks@state.nm.gov.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election
Guidance on Defaced Ballots

In an effort to uniformly administer the 2022 General Election we provide the following guidance on defaced ballots. We have become aware of the clerk's concerns regarding voters who will scratch out the timing marks or somehow alter the ballot in such a way that the ballot cannot be read by the tabulator. If this occurs in a polling location in your county, you should provide this guidance to your election board members.

If a voter purposely defaces a ballot so it will not be read by the tabulator, the voter must be given an opportunity to spoil their ballot and be given a new ballot. NMSA 1978, § 1-12-62. The election board member is free to educate the voter that the ballot must be marked in accordance with the ballot instructions or otherwise be subject to not being counted. NMSA 1978, §§ 1-1-5.2 and 1-12-25.1. This reminder will hopefully correct the voter from continuing to deface the ballot in a way that makes it unreadable by the tabulator. There is no limit in the election code on how many ballots a voter may spoil.

In the event the voter does not wish to spoil their ballot and declines a new ballot, the defaced ballot should be put in the emergency ballot receptacle and delivered to the county clerk, to be hand tallied.

Please note that the county clerk and presiding judge are in complete control of a polling location. So, if a voter's behavior rises to a level that you feel creates disorder, interferes with the orderly conduct of the election, or interferes with the ability of an election board member in the performance of their duties, the election board member is free to remove or call for support to remove that voter. NMSA 1978, § 1-20-20.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, November 7, 2022 1:44 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Bureau of Elections; Lopez, Tracy, SOS; Rockstroh, Gregory, SOS; Lamb, William, SOS
Subject: [EXTERNAL SENDER] IMPORTANT: Mock Election Complete: Clear Results (2022 General)
Attachments: ENRUploadProcedure.pdf; RTR & USB Attestation.pdf

Importance: High

Hi all,

Thank you to all of you that have provided the information requested. We still have a few counties outstanding.

Please complete the required tasks and provide confirming information by 3pm today.

You're welcome to reach out to our team if you have any questions.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Wednesday, November 2, 2022 4:11 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Juan E. Torres <jetorres@santafecountynm.gov>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; Rockstroh, Gregory, SOS <Gregory.Rockstroh@sos.nm.gov>; Frostad, Naomba, SOS <Naomba.Frostad@sos.nm.gov>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Romero, Charles, SOS <Charles.Romero@sos.nm.gov>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: Mock Election Complete: Clear Results (2022 General)

Good afternoon,

Thank you all for your participation in the Mock Election. We have concluded our review of the results, and in preparation for Election Day, we will need you all to complete the four tasks listed below. The four tasks will need to be completed as soon as possible but no later than Friday, November 4, 2022.

1) Dominion RTR Server report- each county submits a signed and dated, RTR zero report to the Secretary of State - BOE by email at nm.clerks@sos.nm.gov.
2) RTR server air gapped– Each county sends a photo to nm.clerks@sos.nm.gov verifying that RTR server is not connected to the network.
3) Secure USB wipe – Each county must wipe the secure USB by putting it in R/W mode and placing it in the RTR server (procedure is attached).
    a. Counties must sign an affidavit stating that USB has been wiped
4) Return completed items to nm.clerks@sos.nm.gov.

Let us know if you have any clarifying questions. Have a wonderful evening!

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Secretary of State

Procedure Title:	Election Night Results Upload	Procedure Number:	NM-SOS-22-202
Issued by:	Tracy Lopez	Date Issued:	01/12/2022
Approved by:	Tracy Lopez	Date Approved:	1/25/2022
Revision:	1.0	Revised Date:	New Procedure

Contents

1. Purpose 1

2. Prerequisites 2

3. Precautions 2

4. Election Night Results Upload 2

How do I unlock the USB? 3

How do I move files from the RTR Server to the secure USB drive? 3

How do I put the USB in Read-Write mode? 3

How do I eject the secure USB safely? 3

How do I to put drive in Read Only Mode? 4

How do I move files from the secure USB drive to the ENR computer? 4

How do I eject the secure USB safely? 4

ENR Laptop 4

1. Purpose

The New Mexico Election Security Program has provided a laptop computer and secure USB drive that must be used for Mock Elections and for the uploading of election results from the RTR Server to SERVIS. Proper use of these devices is essential to minimizing risk to election integrity.

The purpose of this document is to provide guidance, to BOE Staff and county clerks, for the uploading of election night results from the RTR Server to SERVIS. The NM SOS ESP will audit deployed equipment, during preventive maintenance to ensure compliance with usage.

2. Prerequisites

- NM SOS issued ENR Laptop
- NM SOS issued Yubi Keys
- NM SOS AEGIS Encrypted USB
- Network services

3. Precautions

The following precautions shall be observed when using these devices:

- All devices should only be used for elections-related purposes.
- The secure USB drive should only be connected to the RTR Server, or the NM SOS provided laptop.
- Secure USB drive must be reprogrammed by SOS only.
- County IT must allow GoToAssist through their firewall or remote access by the SOS office for laptop updates and maintenance.
- The laptop may be connected to the county wired (preferred) or wireless network. Notify the SOS immediately if county IT policy prevents such a connection.
- When not in use, the election results laptop shall be disconnected from all computer networks and turned off.
- The laptop shall not be used for personal or work email.
- Use of Internet for any purpose shall be avoided.
- **Use of personal or county computers for uploading results shall be avoided**.

Diligent adherence to these precautions is mandatory. Failure to adhere to these precautions may result in the RTR Server being compromised. Protecting the laptop from viruses and malware is vital to making it effective in protecting the election.

4. Election Night Results Upload

After the memory cards are received from the polling sites, they are then uploaded to the RTR Server, validated and XML file is created. This XML file will be placed in your results folder, this file can then be copied to the SOS issued removable encrypted USB drive and transferred to the ENR laptop for upload to SERVIS using this procedure.

NOTE: Do not unlock or change setting from Read-Only to Read/Write mode while the USB is attached to a device.

Secretary of State

How do I unlock the USB?

1. Press the green “unlock” button, the red light will glow solidly.
2. Type in the PIN code that you received with the USB.
3. Press the green “unlock” button again, green light will blink rapidly three times, then slow down to one blink per second until it’s plugged into a USB port, at which time will glow solidly (If PIN is incorrect, the red light will blink, try again).
4. If the green light is blinking, the drive is successfully unlocked, and you will have about 30 seconds to attach the USB drive to a computer.

Note: If the USB light turns red, it’s locked, it needs to be unlocked again.

How do I move files from the RTR Server to the secure USB drive?

The USB needs to be in Read-Write mode when placed into the RTR Server.

1. Unlock the USB Drive.
2. Put the USB drive read-write mode.
3. Connect the drive to the RTR Server.
4. Locate Results Folder.
5. Copy Results Folder to USB drive.
6. Eject and disconnect the USB drive safely.

How do I put the USB in Read-Write mode?

1. Press the green “unlock” button, the red light will glow solidly.
2. Press and hold the r + w (7 + 9) buttons together for three seconds, the green light will blink three times.
3. Type in the PIN code and press the green “unlock” button, the green light will glow solidly.
4. USB will return to unlocked mode and can now be written to, indicated by the blinking green light.

How do I eject the secure USB safely?

Eject the USB from the drive and disconnect from RTR Server. Ejecting the USB drive safely is key to making sure that the results file is not damaged in the copying process.

1. Open file manager.
2. Right click on USB Drive.
3. Scroll down to “Eject.”
4. Remove USB drive when you receive safe notification to do so.

Now you must place USB drive in Read-Only mode to use with the SOS provided ENR laptop.

Secretary of State

How do I to put drive in Read Only Mode?

1. Press the green “unlock” button, the red light will glow solidly.
2. Press and hold the r + o (7 + 6) buttons together for three seconds, the green light will blink three times.
3. Type in the PIN code and press the green “unlock” button, the green light will blink.
4. USB will return to unlocked mode and can now be written to, indicated by the blinking green light.

Once USB be is in Read-Only mode you can start copying the files on the USB to the ENR laptop.

How do I move files from the secure USB drive to the ENR computer?

1. Put the USB drive read-only mode.
2. Connect the drive to the ENR laptop computer.
3. Copy the results files to the computer.
4. Eject and disconnect the drive safely.

How do I eject the secure USB safely?

Eject the USB from the drive and disconnect from ENR laptop. Ejecting the USB drive safely is key to making sure that the USB drive is not damaged and remains secure.

1. Open file manager.
2. Right click on USB Drive.
3. Scroll down to “Eject.”
4. Remove USB drive when you receive safe notification.

ENR Laptop

1. Log into your ENR Laptop using your user credentials.
2. Access the SERVIS log in page.
3. Using your password and Yubi key log into SERVIS.
4. Upload results as per your SERVIS training.

DATE	REVISION	CHANGED BY	CHANGES
1/25/2022	New	Tracy Lopez	New Procedure

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

RTR and Secure USB Wipe Attestation

I, _____attest that the mock election results from the Dominion Voting Systems - RTR Server and Secure USB provided to _____, by the Secretary of State's office
(County Name)
have been wiped clean using the procedure provided by the secretary's office.

_____ _____
Signature *Date Signed*

Notary Statement:

State of: _____

County of: _____

Signed and sworn (or affirmed) before me on the _____day of _____, 2022, by _____.

_____
Signature of notarial officer

_____
Title and Rank

My Commission Expires: _____

325 DON GASPAR, SUITE 300 | SANTA FE, NEW MEXICO 87501
PHONE: (505) 827-3600 or (800) 477-3632 | FAX: (505) 827-8081
WWW.SOS.STATE.NM.US

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, November 7, 2022 1:48 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Bureau of Elections; Rockstroh, Gregory, SOS; Frostad, Naomba, SOS; Lamb, William, SOS
Subject: [EXTERNAL SENDER] IMPORTANT Reminder: SDR ED Credentials

Importance: High

Good afternoon,

Please take a moment to ensure that all you election day login credentials for SDR have been set up correctly in Clerk's Portal.

Please reach out to nmclerks@sos.nm.gov with any questions.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Thursday, October 20, 2022 1:20 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Bureau of Elections; SOS-Leadership; Lamb, William, SOS; Aaron Davis, Robis; David Davoust; Ernie Marquez, AES; Adrian Leyva; Enrique Baca; Francisco Padilla
Subject: [EXTERNAL SENDER] IMPORTANT UPDATE: Planned System Outage

Importance: High

Good afternoon,

In an effort to resolve the system issues we are experiencing; the election systems will be offline for 15mins. The outage will begin at 1:45pm and conclude by 2:00pm this afternoon. No action is needed from your teams but we wanted to make you aware.

Thank you all for your patience.

Best,
Mandy

From: Vigil, Mandy, SOS
Sent: Tuesday, October 18, 2022 5:47 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; SOS-Leadership <SOS-Leadership@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Aaron Davis, Robis <adavis@robis.net>; David Davoust <ddavoust@robis.net>; Ernie Marquez, AES <emarquez@electionpeople.com>; Adrian Leyva <ALeyva@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>; Francisco Padilla <francisco.padilla@dominionvoting.com>
Subject: UPDATE: System Reports

Good evening all,

I wanted to provide you with an update on the intermittent system issues some of you may be experiencing.

The SOS's IT staff have been engaged throughout the day on the performance issues in our production hosting environment. We have involved DoIT, but thus far have not been able to isolate a root cause. They made some changes a little after 5 PM and will be monitoring throughout the evening to see if they have any effect on the symptoms. We are preparing to enlist the support of a vendor in the morning if these changes do not prove to be fruitful.

We are working on contingency plans should this persist. Wish we had better news, but wanted to share the current status because we know you are all deeply affected and concerned.

Best,
Mandy

On Oct 18, 2022, at 12:22 PM, Romero, Charles, SOS <Charles.Romero@sos.nm.gov> wrote:

Good Afternoon County Clerks,

There will be an outage until 1pm with SERVIS and other related services as our office performs a reboot to our CPU. The SERVIS web server is unresponsive at the moment and therefore the reboot is necessary to resolve this unresponsiveness. The IT Team is working aggressively to resolve the issues that we have faced in the past 2 days. We will provide updates as soon as they are made available. Thank you all for your hard work and patience.

Regards,

<image002.jpg>
Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, October 17, 2022 1:37 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>
Subject: System Reports
Importance: High

Hi all,

We have been made aware of intermittent system errors that have been reported when processing a voter registration record, specifically an SDR. Our office is actively investigating this report and resolution.

Please remind your teams that they should offer the individual a provisional ballot if they receive an error or are unable to utilize the automated SDR process at any time. Please ensure that the reason selected for the provisional ballot being issued is **Same Day Registration** so that you may use this to review/process the registration ahead of the provisional qualification.

Let us know if you have any questions at nmclerks@sos.nm.gov.

Thanks,
Mandy

<image003.jpg>

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045

mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, October 22, 2022 10:45 AM
To: Clark, Katharine; SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com; David Davoust; Aaron Davis, Robis; Ernie Marquez; Enrique Baca
Subject: [EXTERNAL SENDER] IMPORTANT UPDATE: Weekend Voting Support Information

Importance: High

Hi all,

All systems are back up and functioning as expected. SERVIS and SDR processes are no longer experiencing any interruptions. You may proceed with SDRs transactions through the portal. Please share with your teams and polling sites and let us know if you experience any issues.

We will be monitoring constantly and will alert you with any updates.

I appreciate you all.

Best,
Mandy

From: Vigil, Mandy, SOS
Sent: Saturday, October 22, 2022 9:19 AM
To: Clark, Katharine <kclark@santafecountynm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: RE: IMPORTANT UPDATE: Weekend Voting Support Information

The autogenerated absentee register will not go out until SERVIS is back up and data is synced.

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, October 22, 2022 9:11 AM
To: Clark, Katharine <kclark@santafecountynm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: RE: IMPORTANT UPDATE: Weekend Voting Support Information

Hi all,

Based on questions received I wanted to provide clarity as to why the in person voting process may move forward as usual. **BOD systems independently track voters (roster) and assign voter credit throughout the polling locations within each county.** Once the connectivity to SERVIS is restored the data exchange process will update SERVIS to sync with BOD data.

Since you are unable to access SERVIS for any voter research, I wanted to remind you that you may access voter data directly through your BOD system dashboard in your office. You may reach out to your assigned technician for assistance, if needed.

Again, all polling location should move forward with in person voter services except for the manual provisional being offered to anyone requesting SDR. It is important to mark the reason as SDR and have the voter complete the registration information and sign for future processing and qualification.

Please reach out to me if you have any questions.

Thank you,
Mandy

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, October 22, 2022 8:47 AM
To: Clark, Katharine <kclark@santafecountynm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: IMPORTANT UPDATE: Weekend Voting Support Information
Importance: High

Good morning,

We have received reports and confirmed that we are experiencing a system issue. The SOS IT team, and DoIt are actively investigating the problem.

- **All in person voting services will still operate through the BOD**: No interruption and no action needed at this time.
- **SDR processing through SERVIS is interrupted** – Please follow the manual provisional process at this time.

As always, please feel free to call me to discuss and I will update as soon as we are back online.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

From: Katharine E. Clark <kclark@santafecountynm.gov>
Sent: Saturday, October 22, 2022 6:54 AM
To: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: [EXTERNAL] RE: Weekend Voting Support Information

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

Hi. I'm trying to login to SERVIS and it says "site can't be reached". Are you doing maintenance or should I be worried? Can someone look into it for me?

Katharine E. Clark
County Clerk
Santa Fe County, New Mexico
505.986.6280 Office
505.490.3514 Mobile

100 Catron Street/PO Box 1985
Santa Fe, New Mexico 87501

From: Vigil, Mandy, SOS [mailto:Mandy.Vigil@sos.nm.gov]
Sent: Friday, October 21, 2022 4:30 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: Weekend Voting Support Information

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

County Clerk Teams:

Please call Charles, Charlotte, or I if you need any assistance tomorrow. We will be in a "shift" support mode, so if you need assistance, please note the time you are calling and reach out to the respective person. As usual, please continue to submit emails to nm.clerks@sos.nm.gov for any issues. We will have IT support staff for technical issues, should any arise. Thank you for all you do.

SOS Weekend Voting Support Information:

- Primary points of contact for weekend support are:
  - Charles Cell phone: 505-819-7628 **(7:30 am to 11:30 am)**
  - Mandy Cell phone: 505-660-4045 **(11:30 am to 3:30 pm)**
  - Charlotte Cell phone: 505-819-7623 **(3:30 am to 7:30 pm)**

Please note:

- You are always welcome to reach out to me anytime outside of the designated shift window.
- All counties that have approved watchers have received individual notifications our office.
  - If you have not received a list, we have not received a request for watcher in your county.
    - Watchers = SOS approval 7 days prior to serving as a watcher (Review sections 1-2-25 & 1-2-27 & 1-2-30)
    - Challenger = Party chair appointment (Review sections 1-2-21 through 1-2-26)

Wishing you all a great day of voting tomorrow. Happy Friday!

Best,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Lopez, Tracy, SOS <Tracy.Lopez@sos.nm.gov>
Sent: Wednesday, October 5, 2022 1:42 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Kirby, James, SOS; Vigil, Jeff, SOS; Martinez, Julian, SOS
Subject: [EXTERNAL SENDER] James Kirby

Good afternoon!

I'd like to take this opportunity to introduce James Kirby. He's our new Network Administrator for the Election Security Program. He will be reaching out to you with your video log in credentials and on other ESP projects.

Warm regards,

Tracy

Please note new email address.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Tracy Lopez, Elections Security Program Manager
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.396.0106
Tracy.Lopez@sos.nm.gov

Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Jeff, SOS <Jeff.Vigil@sos.nm.gov>
Sent: Wednesday, November 2, 2022 8:20 AM
To: Stover, Linda; Diaz, Jaime; Armijo, Sharon; Perez, Sherry; cindy.fuller@chavescounty.gov; Williams, Travis; Dominguez, Michelle; Grine, Natalie; Trujillo, Rayetta; Torres, Sara; Hogland, Annie; Ancira, Adrian; Barfield Hromas, Jeffrey; Cortese, Mae; Lopez Askin, Amanda; Bachman, Lindsey; Rosprim, Darlene; Cooke, Cara; Holguin, Constance; Castrillo, Marisa; Serrano, Robert; Romo, Joaquin; Garrison, CJ; Gonzales, M; alyssa.esquivel@hidalgocounty.org; Dela Garza, Melissa K.; Manes, Keith; Hassen, Tryon; Whittaker, Whitney; Hemphill, Shannan; lacnm, clerks; Ortiz, Adrianna; McWright, Berenda; Nabours, Leslie; Sloan, Jacqueline; Becenti, Edward; Arrellano, Carlos; Garcia, Krystle; Holmes, Robyn; Guerra, Denise Y.; White, Ellen; Marez, Veronica O.; Padilla, Linda; Montoya, Sarah; Park, Mandi; Baca, Nathalia; Shelby, Tanya; Kuhn, Alyssa; Gutierrez, Geraldine; lortega@co.sanmiguel.nm.us; Brady, Anne; Dominguez, Joey; Clark, Katharine; Jetorres@santafecountynm.gov; Trujillo, Shelly K.; Whitehead, Amy; Saavedra, Betty; Paz, Michelle; Montoya, Valerie; Martinez, Anna; Otero, Yvonne; Chavez, Sylvia; Green1, Brenda; Harkins, Mary Lou; Milam, Michael; Dittmaier, Celia
Cc: Lopez, Tracy, SOS
Subject: [EXTERNAL SENDER] Laptop IP address

Good Morning Everyone,

We are reaching out to see if we could get the ENR laptops powered up and online so we can get the IP address from each laptop so we can whitelist it in our firewall. This will help us from blocking county IP addresses during the election night process. Once the laptops are powered up and connected to the internet we can proceed to remote in and get the information. We would like to start as soon as possible. The laptops should be in the location that they will be in on election night so we can get the proper IP address.

We appreciate all of your efforts and I apologize for the short notice. Thank You

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Jeff Vigil Elections Security and Compliance Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300
Santa Fe, NM 87501
Cell: (505) 309-1050 | Desk: (505) 309-1050
Jeff.Vigil1@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Lamb, William, SOS <William.Lamb1@state.nm.us>
Sent: Wednesday, October 5, 2022 5:10 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Romero, Charles, SOS; Vigil, Mandy, SOS; Chinana, Charlotte, SOS; Rockstroh, Gregory, SOS; Frostad, Naomba, SOS
Subject: [EXTERNAL SENDER] Manage Absentee Applications

Good afternoon,

We wanted to let you all know that the "Create Mailing" button and the "Date ballots will be sent" field are now available on the Manage Absentee Applications screen. Please be cognizant of selecting the appropriate date when processing batches, as the first day of Early Voting and mailing Absentee ballots is 10/11/22.

If you have any questions, please feel free to reach out to our office.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

William Lamb | IT Business Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Mobile: (505) 469-4375
william.lamb1@state.nm.us

Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Wednesday, November 2, 2022 4:11 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: Vigil, Mandy, SOS; Rockstroh, Gregory, SOS; Frostad, Naomba, SOS; Lamb, William, SOS; Romero, Charles, SOS; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] Mock Election Complete: Clear Results (2022 General)
Attachments: ENRUploadProcedure.pdf; RTR & USB Attestation.pdf

Good afternoon,

Thank you all for your participation in the Mock Election. We have concluded our review of the results, and in preparation for Election Day, we will need you all to complete the four tasks listed below. The four tasks will need to be completed as soon as possible but no later than Friday, November 4, 2022.

1) Dominion RTR Server report- each county submits a signed and dated, RTR zero report to the Secretary of State - BOE by email at nmclerks@sos.nm.gov.
2) RTR server air gapped– Each county sends a photo to nmclerks@sos.nm.gov verifying that RTR server is not connected to the network.
3) Secure USB wipe – Each county must wipe the secure USB by putting it in R/W mode and placing it in the RTR server (procedure is attached).
    a. Counties must sign an affidavit stating that USB has been wiped
4) Return completed items to nmclerks@sos.nm.gov.

Let us know if you have any clarifying questions. Have a wonderful evening!

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Secretary of State

Procedure Title:	Election Night Results Upload	Procedure Number:	NM-SOS-22-202
Issued by:	Tracy Lopez	Date Issued:	01/12/2022
Approved by:	Tracy Lopez	Date Approved:	1/25/2022
Revision:	1.0	Revised Date:	New Procedure

Contents

1. Purpose 1

2. Prerequisites 2

3. Precautions 2

4. Election Night Results Upload 2

How do I unlock the USB? 3

How do I move files from the RTR Server to the secure USB drive? 3

How do I put the USB in Read-Write mode? 3

How do I eject the secure USB safely? 3

How do I to put drive in Read Only Mode? 4

How do I move files from the secure USB drive to the ENR computer? 4

How do I eject the secure USB safely? 4

ENR Laptop 4

1. Purpose

The New Mexico Election Security Program has provided a laptop computer and secure USB drive that must be used for Mock Elections and for the uploading of election results from the RTR Server to SERVIS. Proper use of these devices is essential to minimizing risk to election integrity.

The purpose of this document is to provide guidance, to BOE Staff and county clerks, for the uploading of election night results from the RTR Server to SERVIS. The NM SOS ESP will audit deployed equipment, during preventive maintenance to ensure compliance with usage.

2. Prerequisites

- NM SOS issued ENR Laptop
- NM SOS issued Yubi Keys
- NM SOS AEGIS Encrypted USB
- Network services

3. Precautions

The following precautions shall be observed when using these devices:

- All devices should only be used for elections-related purposes.
- The secure USB drive should only be connected to the RTR Server, or the NM SOS provided laptop.
- Secure USB drive must be reprogrammed by SOS only.
- County IT must allow GoToAssist through their firewall or remote access by the SOS office for laptop updates and maintenance.
- The laptop may be connected to the county wired (preferred) or wireless network. Notify the SOS immediately if county IT policy prevents such a connection.
- When not in use, the election results laptop shall be disconnected from all computer networks and turned off.
- The laptop shall not be used for personal or work email.
- Use of Internet for any purpose shall be avoided.
- **Use of personal or county computers for uploading results shall be avoided**.

Diligent adherence to these precautions is mandatory. Failure to adhere to these precautions may result in the RTR Server being compromised. Protecting the laptop from viruses and malware is vital to making it effective in protecting the election.

4. Election Night Results Upload

After the memory cards are received from the polling sites, they are then uploaded to the RTR Server, validated and XML file is created. This XML file will be placed in your results folder, this file can then be copied to the SOS issued removable encrypted USB drive and transferred to the ENR laptop for upload to SERVIS using this procedure.

NOTE: Do not unlock or change setting from Read-Only to Read/Write mode while the USB is attached to a device.

Secretary of State

How do I unlock the USB?

1. Press the green “unlock” button, the red light will glow solidly.
2. Type in the PIN code that you received with the USB.
3. Press the green “unlock” button again, green light will blink rapidly three times, then slow down to one blink per second until it’s plugged into a USB port, at which time will glow solidly (If PIN is incorrect, the red light will blink, try again).
4. If the green light is blinking, the drive is successfully unlocked, and you will have about 30 seconds to attach the USB drive to a computer.

Note: If the USB light turns red, it’s locked, it needs to be unlocked again.

How do I move files from the RTR Server to the secure USB drive?

The USB needs to be in Read-Write mode when placed into the RTR Server.

1. Unlock the USB Drive.
2. Put the USB drive read-write mode.
3. Connect the drive to the RTR Server.
4. Locate Results Folder.
5. Copy Results Folder to USB drive.
6. Eject and disconnect the USB drive safely.

How do I put the USB in Read-Write mode?

1. Press the green “unlock” button, the red light will glow solidly.
2. Press and hold the r + w (7 + 9) buttons together for three seconds, the green light will blink three times.
3. Type in the PIN code and press the green “unlock” button, the green light will glow solidly.
4. USB will return to unlocked mode and can now be written to, indicated by the blinking green light.

How do I eject the secure USB safely?

Eject the USB from the drive and disconnect from RTR Server. Ejecting the USB drive safely is key to making sure that the results file is not damaged in the copying process.

1. Open file manager.
2. Right click on USB Drive.
3. Scroll down to “Eject.”
4. Remove USB drive when you receive safe notification to do so.

Now you must place USB drive in Read-Only mode to use with the SOS provided ENR laptop.

Secretary of State

How do I to put drive in Read Only Mode?

1. Press the green “unlock” button, the red light will glow solidly.
2. Press and hold the r + o (7 + 6) buttons together for three seconds, the green light will blink three times.
3. Type in the PIN code and press the green “unlock” button, the green light will blink.
4. USB will return to unlocked mode and can now be written to, indicated by the blinking green light.

Once USB be is in Read-Only mode you can start copying the files on the USB to the ENR laptop.

How do I move files from the secure USB drive to the ENR computer?

1. Put the USB drive read-only mode.
2. Connect the drive to the ENR laptop computer.
3. Copy the results files to the computer.
4. Eject and disconnect the drive safely.

How do I eject the secure USB safely?

Eject the USB from the drive and disconnect from ENR laptop. Ejecting the USB drive safely is key to making sure that the USB drive is not damaged and remains secure.

1. Open file manager.
2. Right click on USB Drive.
3. Scroll down to “Eject.”
4. Remove USB drive when you receive safe notification.

ENR Laptop

1. Log into your ENR Laptop using your user credentials.
2. Access the SERVIS log in page.
3. Using your password and Yubi key log into SERVIS.
4. Upload results as per your SERVIS training.

DATE	REVISION	CHANGED BY	CHANGES
1/25/2022	New	Tracy Lopez	New Procedure

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

RTR and Secure USB Wipe Attestation

I, _____attest that the mock election results from the Dominion Voting Systems - RTR Server and Secure USB provided to _____, by the Secretary of State's office
(County Name)
have been wiped clean using the procedure provided by the secretary's office.

_____ _____
Signature *Date Signed*

Notary Statement:

State of: _____

County of: _____

Signed and sworn (or affirmed) before me on the _____day of _____, 2022, by _____.

_____
Signature of notarial officer

_____
Title and Rank

My Commission Expires: _____

325 DON GASPAR, SUITE 300 | SANTA FE, NEW MEXICO 87501
PHONE: (505) 827-3600 or (800) 477-3632 | FAX: (505) 827-8081
WWW.SOS.STATE.NM.US

curryelections@currycounty.org

From: Lamb, William, SOS <William.Lamb1@state.nm.us>
Sent: Thursday, September 29, 2022 4:52 PM
To: SOS-County Clerks Group; SOS-33 County Clerks
Cc: Rockstroh, Gregory, SOS; Frostad, Naomba, SOS; Romero, Charles, SOS; Chinana, Charlotte, SOS; Vigil, Mandy, SOS
Subject: [EXTERNAL SENDER] Mock Election Refresher Presentation.
Attachments: Presentation_MockElectionOverview - Refresher for Counties_2022General.pdf

Good afternoon,

Thank you all for joining us at today's Mock Election Refresher. I have attached the presentation to this email for your reference as we head into Round 1 next week.
Please participate as soon and as often as you can.
If you have any questions, feel free to reach out to our office.

Mock Election Dates:

Round	Election Night Simulation	Canvass Simulation
Round 1	Tuesday, October 4, 2022; 3-5 pm	Wednesday, October 5, 2022; 3-5 pm
Round 2	Tuesday, October 11, 2022; 3-5 pm	Wednesday, October 12, 2022; 3-5 pm
Round 3	Tuesday, October 18, 2022; 3-5 pm	Wednesday, October 19, 2022; 3-5 pm

Thank you for all your hard work!

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

William Lamb | IT Business Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Mobile: (505) 469-4375
william.lamb1@state.nm.us

Follow us on Facebook + Twitter

Mock Election Overview 2022 General Election

September 29, 2022
New Mexico Secretary of State

Disclaimer: Please be advised that this document is a working document.
For the most current version, contact the Secretary of State office.

Overview

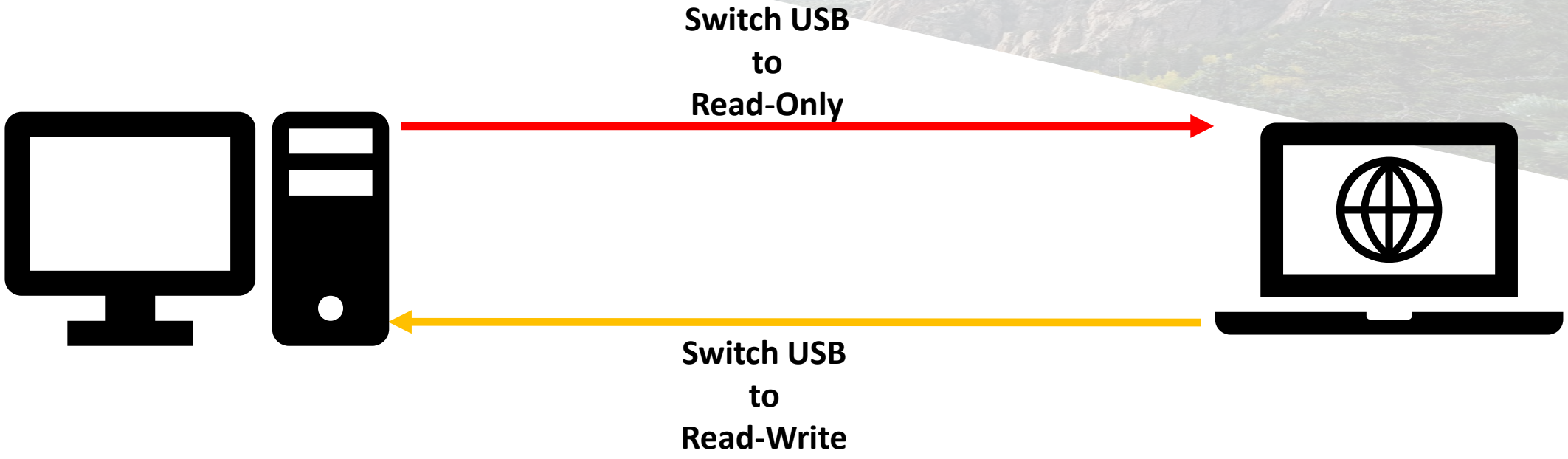
- Election Security
- General Information
- Goals
- Test Types
- Timeline
- SERVIS/Clerks Portal Overview
- Best Practices

Election Security

1) Laptops
2) USB Sticks

Practice using the laptop and USB stick during mock election to ensure familiarity.

Protecting the Dominion Server Air Gap



Dominion Server

SERVIS Computer

Removable Memory – Security Compatibility

	BALLOT TABULATOR	DOMINION SERVER	SERVIS ENR LAPTOP	Another Office Computer
Tabulator Memory Card	Allowed	Allowed	Prohibited	Prohibited
Secure USB Drive	N/A	Allowed	Allowed (Read-Only Mode)	Allowed (Read-Only Mode)

General Information

- Why Mock Election?
  - Mock Election follows machine certification per NMSA Sections 1-11-5 and 1-6-9.2
  - Main Goal: Ensure all processes/operations are functioning properly

- New Mexico Election Process:
  1) Mock Election
  2) Canvass Mock Election at the County and SOS level
  3) Election
  4) Election Canvass at the County and SOS level
  5) Automatic Recounts
  6) Post Election Voting System Check Audit

TheUpshot

Iowa Caucus Results Riddled With Errors and Inconsistencies

The mistakes do not appear intentional, but they raise questions about whether there will ever be a completely precise accounting.

By Nate Cohn, Josh Katz, Denise Lu, Charlie Smart, Ben Smithgall and Andrew Fischer

Published Feb. 6, 2020 Updated Feb. 12, 2020

Primary Goals

Verify that:

- Election Results collected at the tabulator level are accurate
- Election result aggregation is working properly
- Data exchanges between systems are working properly
  - Memory Cards To RTR
  - RTR export files to SERVIS

Secondary Goals

- Ensure that state and county staff are proficient with the processes
  - Practice makes perfect
- Identify and resolve system issues
- Improve the testing process based on feedback from SOS staff and County Clerk teams

Test Types

1. Logic and Accuracy Testing – Ensures that all voting systems are setup and configured to properly record votes cast and assures that all candidates for each ballot style are properly loaded. Ballot test decks which were configured with predetermined votes using the upcoming election's ballot styles, contests, and races data are used so that the vote counts can be checked. The vote counts need to match the expected outcome starting with the individual tabulator and continuing through the systems until they reach the public election reporting system.

> Vote Counts are verified at four different points during the test. First, the individual tabulator results are checked to confirm that the results are as expected. Several tabulators are then aggregated at the county's local election server. Those results are then uploaded into SERVIS and checked again in order to ensure that it compiles votes properly. Finally, the results in SERVIS are pushed to the election results reporting system and checked again in order to make sure that the public display is accurate.

2. Operational Readiness Testing - Tests the system and process to find defects that will prevent deployment. This test will ensure participants are familiar with the election night processes as well as the processes for the first few days following an election. This test is intended to identify areas where the technology or the processes may need to be changed in order to better accommodate the desired outcome.

3. Performance Testing – Tests the system with multiple counties uploading and transferring result files to the state server simultaneously. This test monitors performance while SERVIS is under loading conditions that are similar to those occurring on election night. During this test, production sized result files are uploaded. The upload speed and transfer times are logged and reported. The SOS evaluates these metrics on a statewide basis to ensure the system will function as expected on Election Night.

How far we've come…

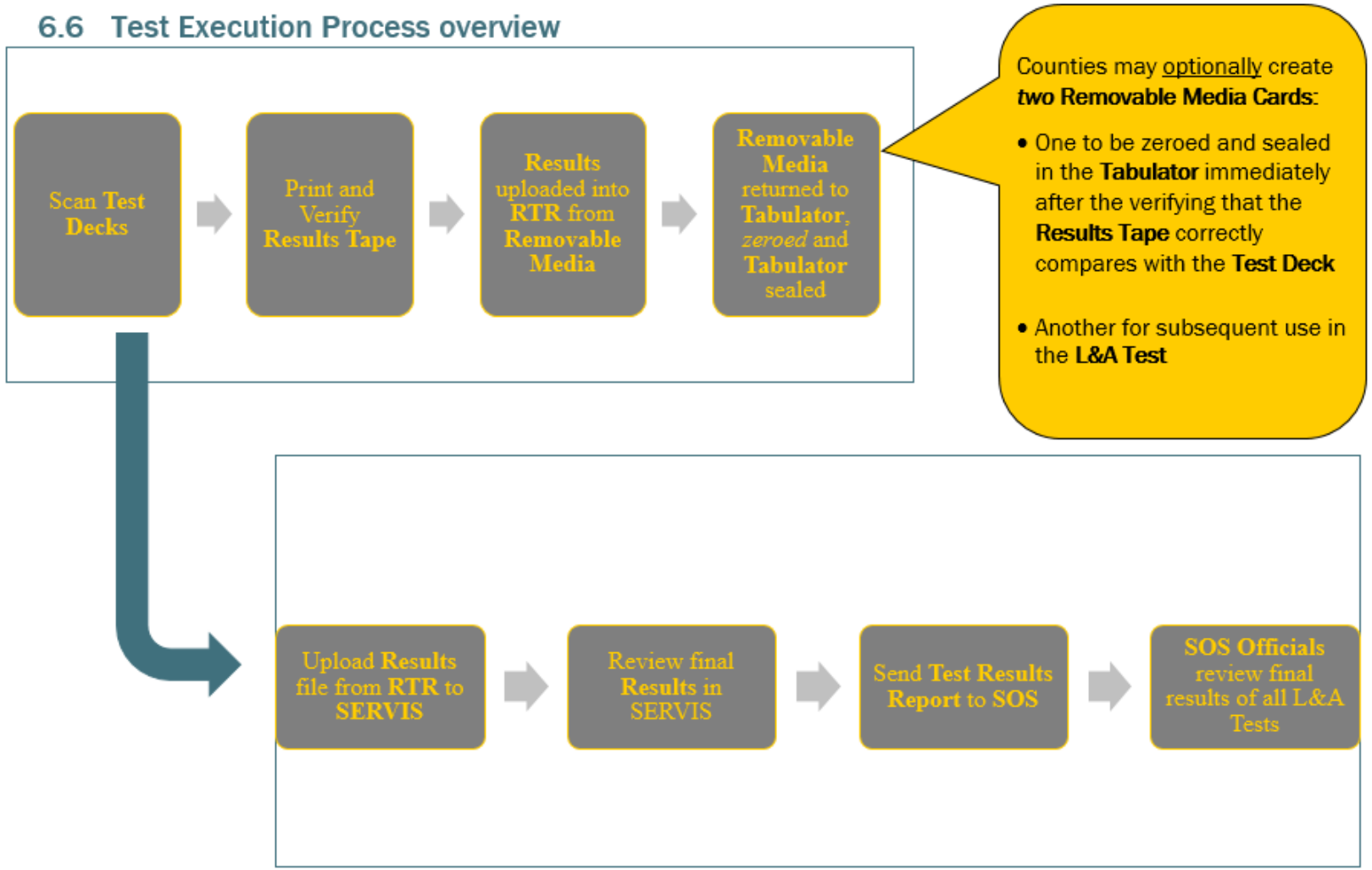
FOR INTERNAL USE ONLY

Test Process

Logic and accuracy testing will be conducted using ballot test decks with known result outcomes. The process starts by reading the complete, proper test desk into precinct or central count tabulators that are being statutorily certified. It ends with verifying the results on the ENR site and reporting any findings to the SOS.

1. The test deck provided to each county will be a patterned test deck for either a full precinct set or a combination of unique ballot styles. Each test desk has a corresponding results key whose results are unique to that specific test deck.
2. The county will feed a complete and proper test desk into a tabulator which is being statutorily certified.
3. Once complete, the tester shall run a printed results tape from the tabulator and compare the results to the test deck answer key.
4. One of the tabulator's removable media cards will then be read into the county's RTR server. Using standard election reports available in RTR, the county shall verify that the results agree with the expected outcome.
5. The county should export their results from RTR and upload them into SERVIS during the SOS advertised upload windows. Using SERVIS's standard election reports, the newly uploaded results are again validated against the expected results.
6. Next, the SOS will upload the results from SERVIS into ENR.
7. After receiving notification that the results have been uploaded into ENR, county staff shall validate that the reported results match the expected results.
8. Finally, the county reports the outcome of their test to the SOS using the Mock Election Register in Clerks' Portal.

Test Execution Process Overview



Mock Election Timeline

- 3 Mock Election Rounds:
  - Starting October 04, 2022
  - Ending October 19, 2022
- Participate early/often
- You do not have to participate every week
- Opportunity to train staff

MOCK ELECTION DATES

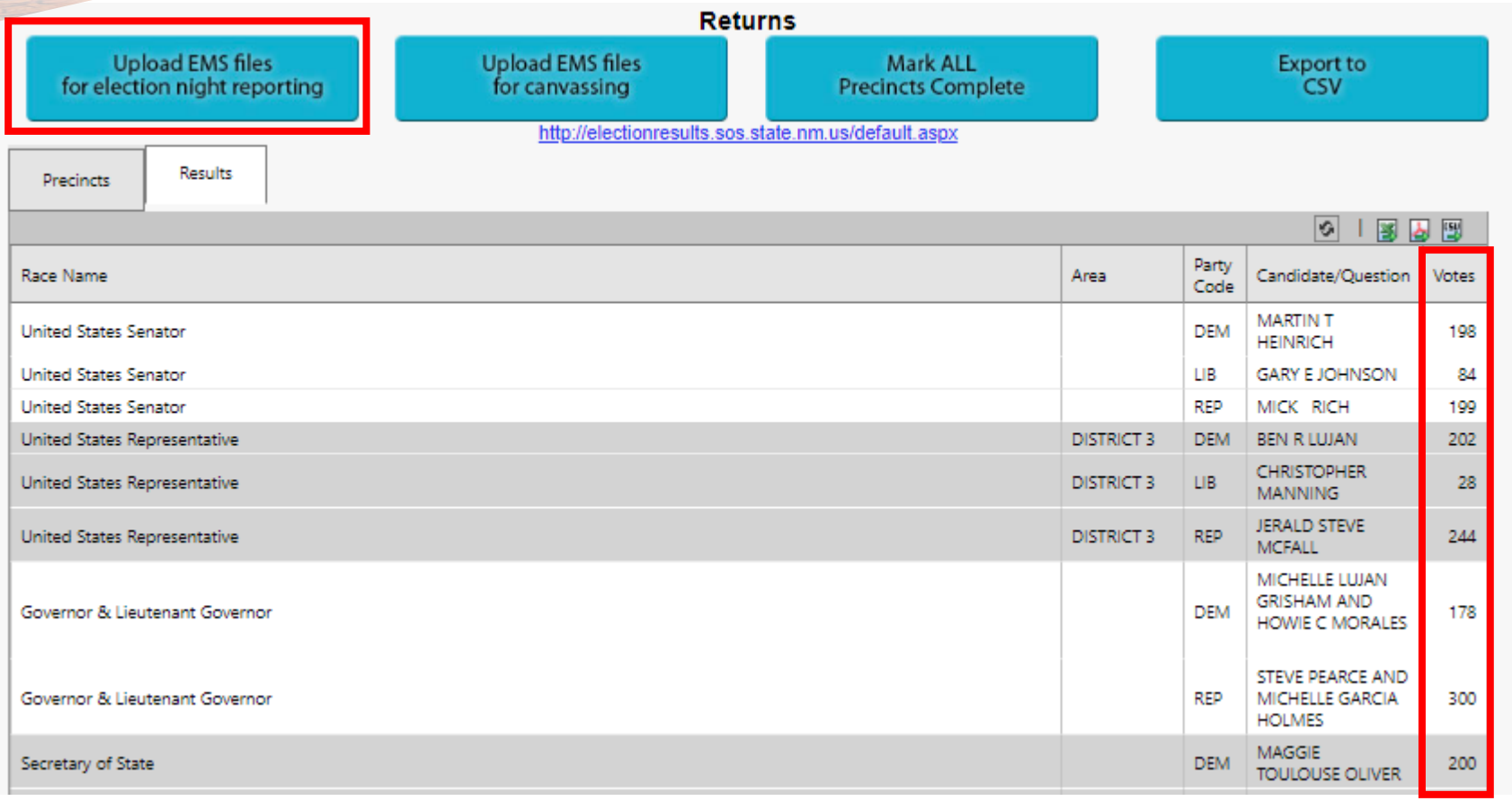
October 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 Round 1 EN Simulation 3-5 PM	5 Round 1 Canvass Simulation 3-5 PM	6	7	8
9	10	11 Round 2 EN Simulation 3-5 PM	12 Round 2 Canvass Simulation 3-5 PM	13	14	15
16	17	18 Round 3 EN Simulation 3-5 PM	19 Round 3 Canvass Simulation 3-5 PM	20	21	22
23	24	25	26	27	28	29
30	31					

Election Night File vs Canvass File

- Election Night file is a much smaller file that contains numbers only.
- Election night file will be uploaded on Tuesdays.
- Example of Election Night File (look for “EN” in file name)

Filename
DetailResultsExportEN-132827843280627052..xml
DetailResultsExport-132826937496619028..xml



Race Name	Area	Party Code	Candidate/Question	Votes
United States Senator		DEM	MARTIN T HEINRICH	198
United States Senator		LIB	GARY E JOHNSON	84
United States Senator		REP	MICK RICH	199
United States Representative	DISTRICT 3	DEM	BEN R LUJAN	202
United States Representative	DISTRICT 3	LIB	CHRISTOPHER MANNING	28
United States Representative	DISTRICT 3	REP	JERALD STEVE MCFALL	244
Governor & Lieutenant Governor		DEM	MICHELLE LUJAN GRISHAM AND HOWIE C MORALES	178
Governor & Lieutenant Governor		REP	STEVE PEARCE AND MICHELLE GARCIA HOLMES	300
Secretary of State		DEM	MAGGIE TOULOUSE OLIVER	200

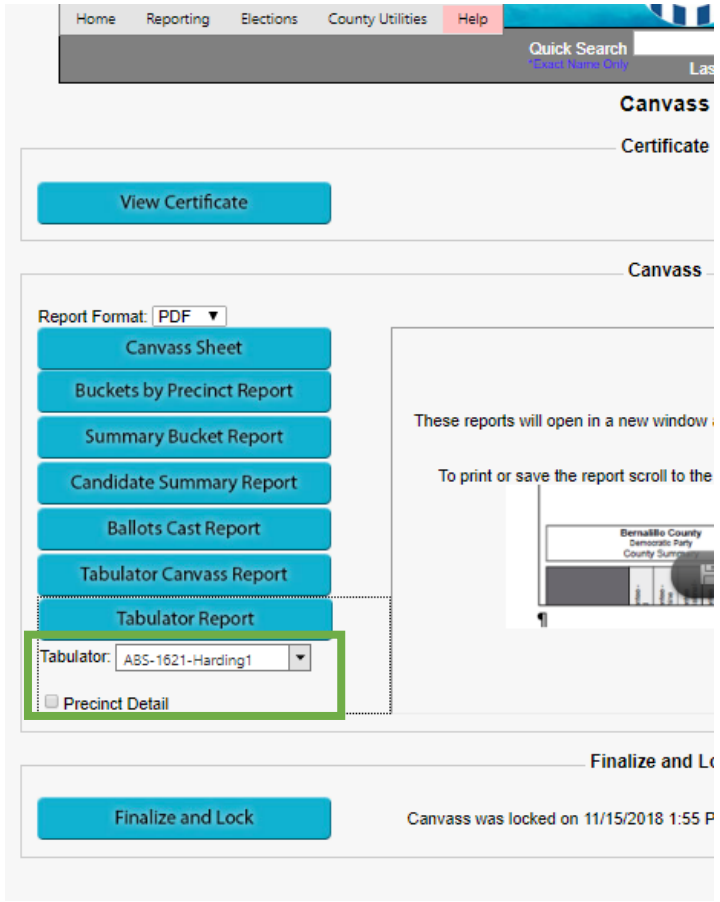
Election Night File vs Canvass File

Canvass file is uploaded in the file that reads- Upload EMS Files for Canvassing (orange box).

The canvass file contains the same data (numbers) as the election night file; however, it also contains tabulator information and data that is needed when generating the canvassing related reports.

If tabulator dropdown (green box) is blank, you need to upload the canvass file.

Canvass file will be uploaded on Wednesday along with the election night file.

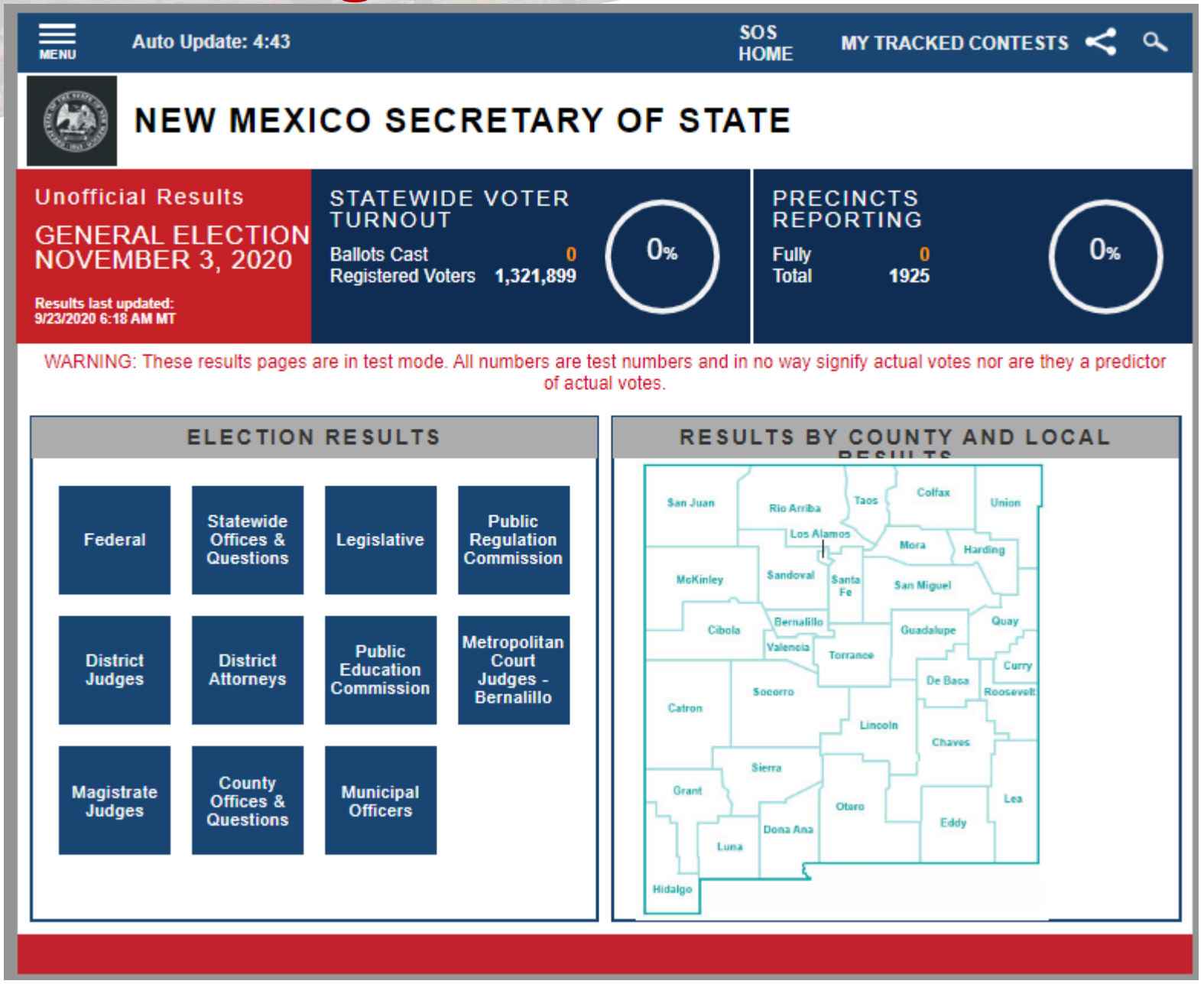


New Election Night Results Page

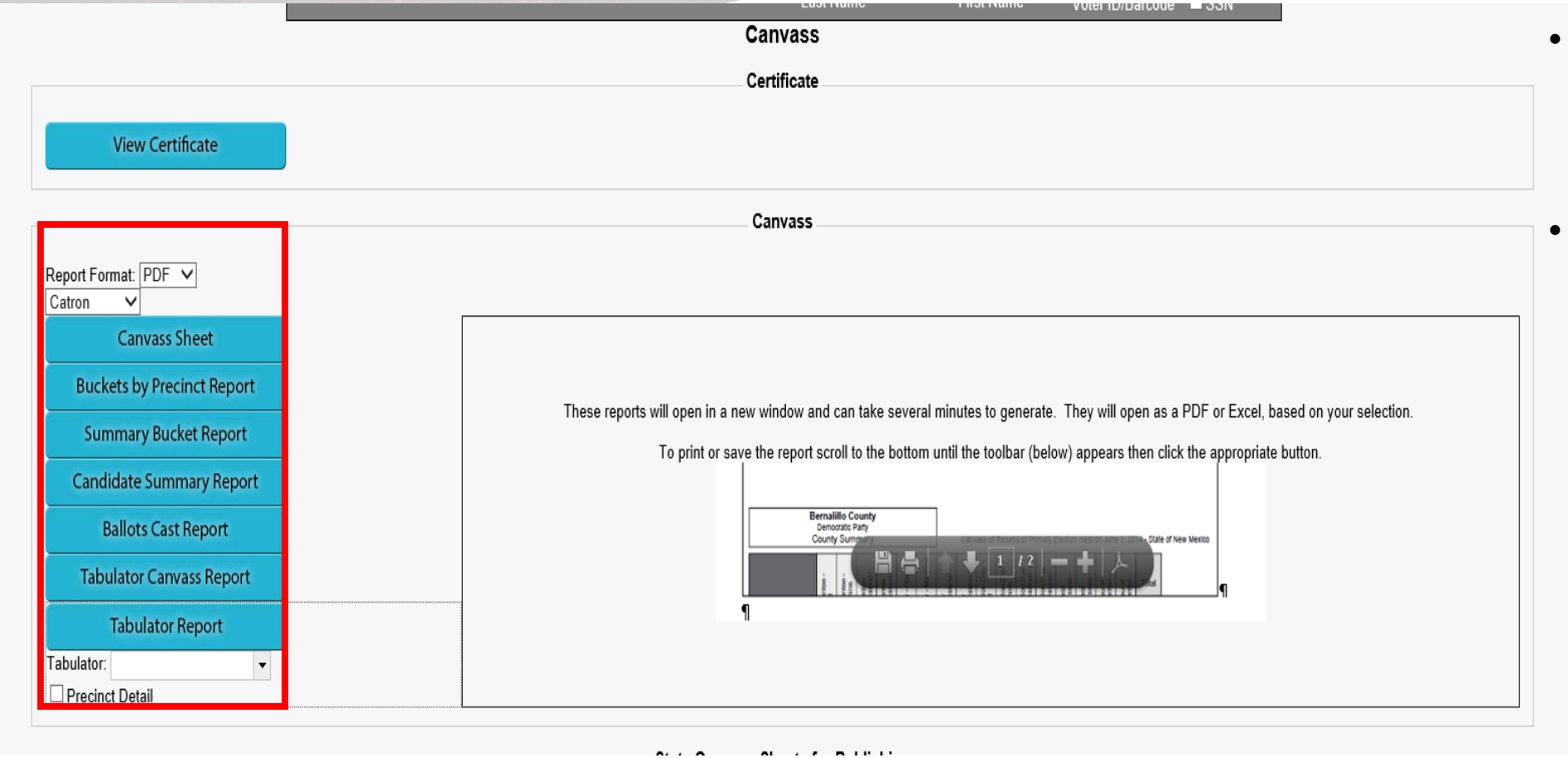
FOR INTERNAL USE ONLY

- Link: https://electionresults.sos.state.nm.us/default.aspx?eid=2838

- Ensure all data is displaying correctly as this is what the public will see on Election Night.



SERVIS Canvass Reports



- SERVIS review includes a review of all Cavass reports.
- NOTE: Tabulator Report will generate when you upload the canvass file.

SERVIS Canvass Reports

- SERVIS > Reporting > Election Canvassing > Candidate Summary Report
- SERVIS > Reporting > Election Canvassing > Summary Bucket Report
- SERVIS > Reporting > Election Canvassing > Ballots Cast Report
- SERVIS > Reporting > Election Canvassing > Tabulator Canvass Report-Excel
- SOS NEW Website: Election Results from https://electionresults.sos.state.nm.us/default.aspx?eid=2838

SERVIS Canvass Reports

FOR INTERNAL USE ONLY

Guadalupe County
DEMOCRATIC PARTY
Countywide

Candidate Summary of Primary Election Held on June 2, 2020
State of New Mexico

President of the United States
- ELIZABETH WARREN 17
- TULSI GABBARD 34
- JOSEPH R BIDEN 17
- DEVAL PATRICK 34
- BERNIE SANDERS 17
- ANDREW YANG 34
- UNCOMMITTED DELEGATE / DELEGADO NO COMPROMETIDO 17

United States Senator
- BEN R LUJAN 34

United States Representative - DISTRICT 2
- XOCHITL TORRES SMALL 34

State Senator - DISTRICT 8
- PETE CAMPOS 17
- CONNIE JIMENEZ TRUJILLO 34

State Representative - DISTRICT 63
- RANDAL W BROWN 34

Justice of the Supreme Court Position 1
- SHANNON BACON 34

Justice of the Supreme Court Position 2
- DAVID K THOMSON 34

Judge of the Court of Appeals Position 1
- ZACH IVES 34

Judge of the Court of Appeals Position 2

Guadalupe County
DEMOCRATIC PARTY

Canvass of Returns of Primary Election
Held on June 2, 2020 - State of New Mexico
Summary Bucket Report

	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
Ballots Cast	36							36				132				
President of the United States																
ELIZABETH WARREN	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
TULSI GABBARD	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
JOSEPH R BIDEN	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
DEVAL PATRICK	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
BERNIE SANDERS	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
ANDREW YANG	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
UNCOMMITTED DELEGATE / DELEGADO NO COMPROMETIDO	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
United States Senator																
BEN R LUJAN	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
United States Representative - DISTRICT 2																
XOCHITL TORRES SMALL	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
State Senator - DISTRICT 8																
PETE CAMPOS	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
CONNIE JIMENEZ TRUJILLO	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
State Representative - DISTRICT 63																
RANDAL W BROWN	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
Justice of the Supreme Court Position 1																
SHANNON BACON	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34

Date Run: 5/22/2020 9:19:30 AM 1 of 5

SERVIS Canvass Reports

Guadalupe County
LIBERTARIAN PARTY
Countywide

Ballots Cast Summary of Primary Election Held on June 2, 2020
State of New Mexico

Precinct	Absentee	Early	Election Day	Hand	Provisionals	Total Ballots Cast
PRECINCT 1	51	51	119			221
PRECINCT 2			17			17
PRECINCT 3			17			17
PRECINCT 4			17			17
PRECINCT 5			17			17
	51	51	187			289

This report helps you identify which tabulators and tabulator data are in SERVIS. This should match the data in RTR.

Guadalupe County

Canvass of Returns of Primary ElectionHeld on June 2, 2020 - State of New Mexico
County Tabulator Canvass Report

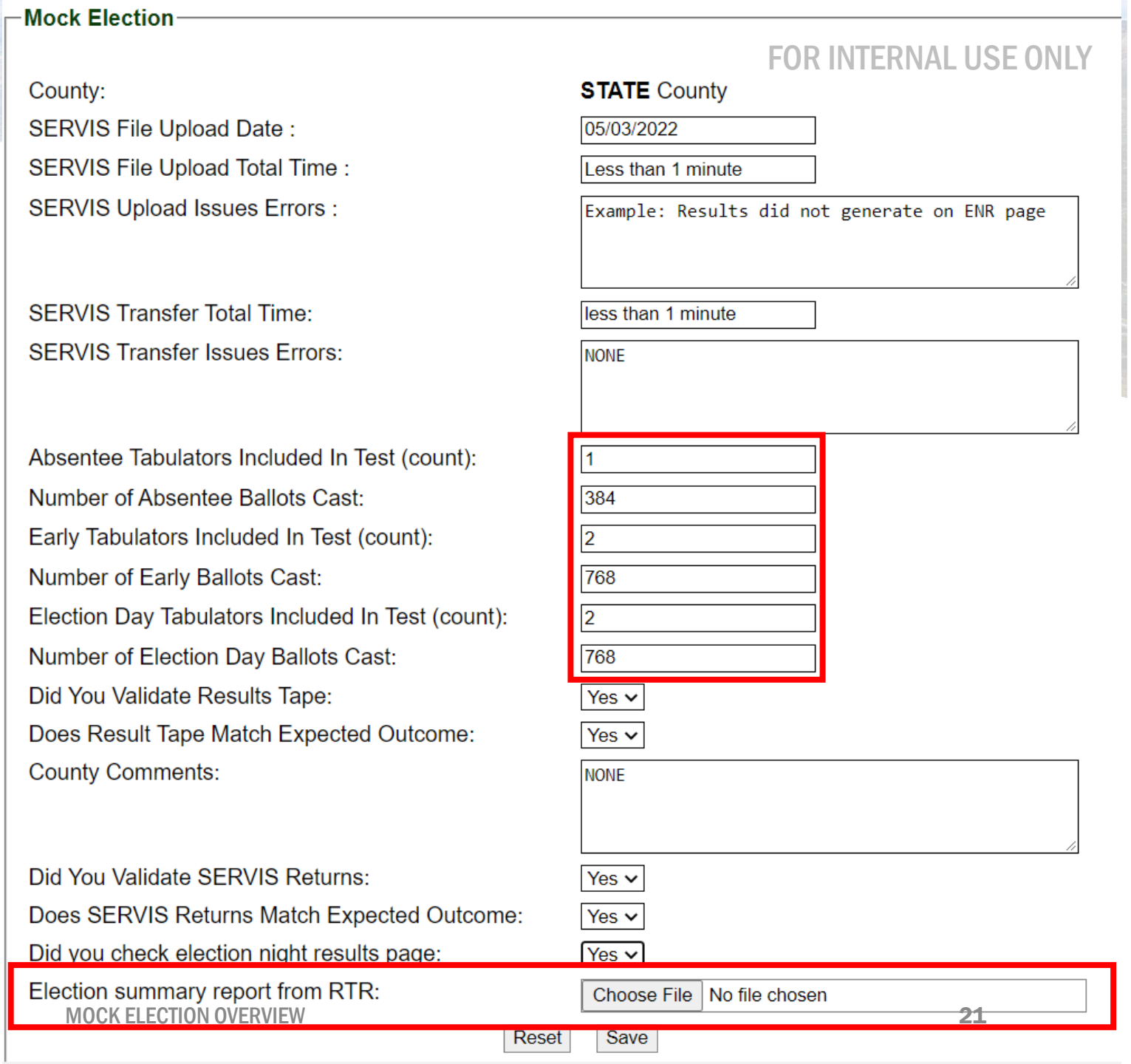
		ABS		EVT		EDT								
		Guadalupe County Clerk's Office (ABS)	Total	Guadalupe County Clerk's Office (EV)	Total	City County Complex (ED)	KC Hall (ED)	Santa Rosa Fire Station (ED)	Vaughn Community Center (ED)	Anton Chico Community Center (ED)	Spare (ED)		Total	Grand Total
Party		ABS-3199-0311		EVT-3198-0334		EDT-3200-0336	EDT-3201-0092	EDT-3202-0309	EDT-3203-0055	EDT-3204-0142	EDT-3206-0050	EDT-3211-0330		
DEM	ELIZABETH WARREN	3	3	3	3	1	1	1	1	1	3	3	11	17
	TULSI GABBARD	6	6	6	6	2	2	2	2	2	6	6	22	34
	JOSEPH R BIDEN	3	3	3	3	1	1	1	1	1	3	3	11	17
	DEVAL PATRICK	6	6	6	6	2	2	2	2	2	6	6	22	34
	BERNIE SANDERS	3	3	3	3	1	1	1	1	1	3	3	11	17
	ANDREW YANG	6	6	6	6	2	2	2	2	2	6	6	22	34
	UNCOMMITTED DELEGATE / DELEGADO NO COMPROMETIDO	3	3	3	3	1	1	1	1	1	3	3	11	17
	BEN R LUJAN	6	6	6	6	2	2	2	2	2	6	6	22	34
	XOCHITL TORRES SMALL	6	6	6	6	2	2	2	2	2	6	6	22	34
	PETE CAMPOS	3	3	3	3	1	1	1	1	1	3	3	11	17
	CONNIE JIMENEZ TRUJILLO	6	6	6	6	2	2	2	2	2	6	6	22	34
	RANDAL W BROWN	6	6	6	6	2	2	2	2	2	6	6	22	34

Clerk's Portal-Final Step in the Mock Election Process

Note: Please fill in as much information as possible.

If you make a mistake, please submit another entry.

Upload the answer key, not the SERVIS file.



Clerk's Portal

Note: County staff will need to upload RTR Report: Elections Summary Report, not the XML file. SOS staff can access to the XML file via SERVIS.

Election Summary Report

Closed Primary

Dona Ana County

June 02, 2020

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Precincts Reported: 0 of 170 (0.00%)

Registered Voters: 29,991 of 0 (N/A)

Ballots Cast: 29,991

DEM-PRESIDENT OF THE UNITED STATES (Vote for 1)
DEM

Precincts Reported: 0 of 170 (0.00%)

	Total	
Times Cast	20,834 / 0	N/A

Candidate	Party	Total	
ELIZABETH WARREN	DEM	2,082	
TULSI GABBARD	DEM	4,164	
JOSEPH R BIDEN	DEM	2,085	
DEVAL PATRICK	DEM	4,161	
BERNIE SANDERS	DEM	2,083	
ANDREW YANG	DEM	4,175	
UNCOMMITTED DELEGATE	DEM	2,084	
Total Votes		20,834	

		Total	
Unresolved Write-In		0	

Items SOS-BOE Team Reviews

- Validate total Ballots Cast in the Election Summary Report and SERVIS Reports. Do they match?
- Look for pattern in SERVIS: Elections > Returns > Results tab
- Look for pattern in the county's results on the Election Results Website
- Is this pattern across all reports: 1) SERVIS, 2) Election Summary Report, and 3) Election Night Results page?
- Verify that all contests in SERVIS are present on the Election Results Website?
    - US Representatives, Statewide offices, NM State Representatives, Judges, County Offices…etc?
- Verify that the counts on the Election Results Website match the counts in SERVIS: Elections > Returns
- Verify that the tabulators reported are present in SERVIS > Reporting > Election Canvassing > Tabulators.
    - Note: If SERVIS does not have data in the tabulator drop down, the county has not uploaded their canvass file. The SOS Team will contact the county to have them upload the canvass file.
- Counting group to be reviewed: Absentee, Early Vote, Election Day
    - Verify that each counting group has the expected total # of votes.
    - Verify that the Canvass Reports show results for each counting group.

Review Guides

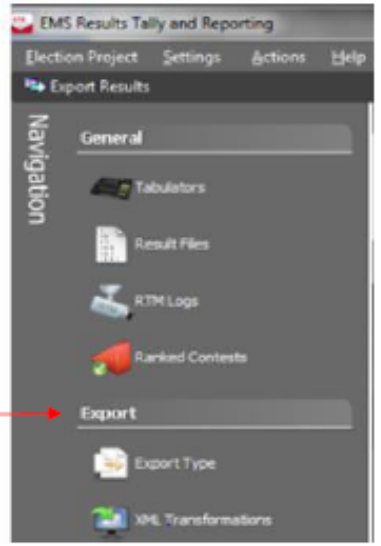
MOCK ELECTION QUICK REFERENCE

Basic Steps

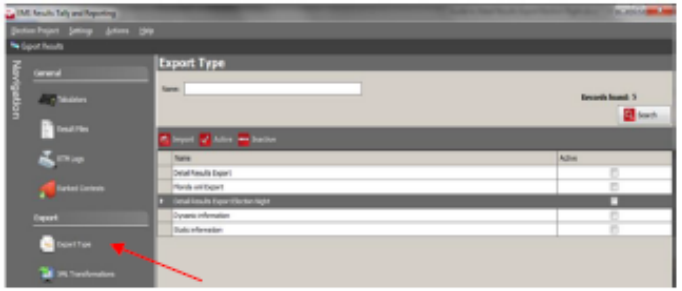
1. While performing normal tabulator certification processes RUN your full TEST DECK
2. Run a RESULTS TAPE and compare to the test deck's ANSWER KEY
    a. Take action as necessary if the results are not correct
3. Read the removable media card into RTR
4. Compare the results in RTR to the expected results
    a. Take action as necessary if the results are not correct
    b. The expected results will vary as the cards from additional tabulators are read into RTR
5. Repeat Steps 1 - 4 for additional tabulators

Quick Reference Guide: Exporting Results from RTR & Uploading To SERVIS

1. In RTR Click on "**Export**" in the navigation panel on the left side of the window.



2. Click on "**Export Type**" to view a list of available export files. The active export will have a check in the box in the "Active" column.



Best Practice/Tips

1) Participate early, participate often:
   The SOS only needs to review your county once; let us know when you want our office to review your mock election results.
2) If you have write-ins, test entering write-ins into SERVIS.
3) If you expect a high number of provisional/hand ballots, test entering hand tallies.
4) Log deviations from the stock test deck in Clerks' Portal.
5) County Canvass should complete a full review which includes RTR results, SERVIS and ENR results page
6) SOS will let you know when we have canvassed your election so that you may zero out your RTR

RTR- Zero Reports

- Post-Mock Election all counties will be instructed to zero out RTR (around the week of October 24th)

Election Summary Report

General Election
Socorro County
November 05, 2019
Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Precincts Reported: 0 of 27 (0.00%)
Registered Voters: 0 of 0 (N/A)
Ballots Cast: 0

TRUSTEE POSITIONS 1 - 2 MAGDALENA (Vote for 2)

Precincts Reported: 0 of 2 (0.00%)

		Total
Times Cast		0 / 0 N/A
Candidate	Party	Total
DONNA B DAWSON		0
Total Votes		0
		Total
Unresolved Write-In		0

MUNICIPAL JUDGE MAGDALENA (Vote for 1)

Precincts Reported: 0 of 2 (0.00%)

		Total
Times Cast		0 / 0 N/A
Candidate	Party	Total
SIMON J ARMIJO		0
Total Votes		0
		Total
Unresolved Write-In		0

SCHOOL BOARD MEMBER POSITION 1 MOUNTAINAIR PUBLIC SCHOOL BOARD (Vote for 1)

Precincts Reported: 0 of 2 (0.00%)

		Total
Times Cast		0 / 0 N/A
Candidate	Party	Total
DARRELL W ROBERTS		0
Total Votes		0
		Total
Unresolved Write-In		0

Questions?

Please email your questions to nmclerks@state.nm.us

curryelections@currycounty.org

From: Ellis, Analiese, SOS <Analiese.Ellis@state.nm.us>
Sent: Tuesday, October 4, 2022 3:34 PM
To: Hogland, Annie; Ancira, Adrian
Cc: Chinana, Charlotte, SOS; Vigil, Mandy, SOS
Subject: [EXTERNAL SENDER] Notice of address confidentiality program voter(s) - Curry
Attachments: SAH Voting Guide and Timeline.docx; SAMPLE_2022 General_SAH Voter Instructions.pdf; 2022 General_Curry_SAH Roster.xlsx

Hello Clerk Hogland and Deputy Clerk Ancira,

This email serves as notification that there are one or more voters in your county who are in the Safe at Home program (SAH). The SOS has an obligation under state law to secure the identity of SAH voter-participants and to automatically mail an absentee ballot to them. Under state statute, SAH voter-participants are required to vote exclusively by absentee ballot; SAH voter-participants have been notified of this requirement, and informed that voting in-person will compromise their personal security. Should a SAH voter-participant still decide to vote in-person, they can be issued a provisional ballot. If a voter-participant would like to be removed from the SAH program, the SOS will require a written request from the individual.

What are the next steps?
Pursuant to statute, and in order to anonymize the voting process for these individuals, we are required to provide you with a special SAH Roster that includes a random ID and verification code in lieu of the normal personally identifiable data.

1. **Please review the attached SAH roster and send an absentee ballot (without envelopes) for the listed precincts, to the SOS office by Friday, October 7, 2022.** Please avoid folding the ballots if possible when placing them in the mail. Mail to:
   Secretary of State's Office
   Attn. Analiese Ellis
   325 Don Gaspar Ave
   Santa Fe, NM 87501
2. Once the SOS SAH Administrator receives the ballots, SAH authorized personnel will prep them for the mail and provide a special return envelope that requires the voter identification information listed on the roster in lieu of the signature and last four of the SSN.
3. The voter will mail their ballot back to your office. Upon receipt, you will validate the random id and the verification code. If this information matches the attached roster, then you will accept the ballot.
4. Please include this roster in your overall reconciliation during canvass.

The full guidance for SAH balloting is attached along with the voter instructions that will be mailed to each SAH voter next week.

If you have any questions, please feel free to reach out to me at 505-827-4677.

Attachments:
SAH Voter Instructions Letter Sample
SAH Voting Guide and Timeline
Roster spreadsheet

Respectfully,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Analiese Ellis | SAH Administrator | Paralegal & Legal Assistant B
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505-827-4677
safe.sos@state.nm.us

Follow us on Facebook + Twitter

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

[date]

Dear Safe at Home Participant,

As a Safe at Home (SAH) participant who is registered to vote, you are eligible to participate in the upcoming General Election. Please note that Safe at Home voter-participants are added to a permanent absentee list and automatically mailed a ballot by SAH (as outlined in the Election Code), to provide participants with the means of voting and maintaining their confidentially.

This service is provided because voting in person or requesting an absentee ballot from your county clerk, online or by paper application, may compromise your confidentiality.

By now, you may have received an absentee ballot packet which includes a ballot, a privacy envelope, and an official mailing envelope, with pre-paid postage addressed to be returned to your county clerk. This packet is the same one issued to other voters who apply to vote by mail, except that you are not required to provide any identifying information, like name and address, in order to cast your ballot.

<u>As a SAH voter, you are NOT required to provide any personally identifiable information to vote.</u>

Instead of the normally required name, year of birth, and address, our office will pre-fill a random identification code onto the return envelope that we have assigned to you. Only the SAH administrator can cross reference this random identification code to verify your identity. Additionally, you will be required to write the VERIFICATION CODE in the space under the privacy flap of the official mailing envelope. This verification code will be cross referenced to the random identification by the county clerk's office to confirm that you have completed the ballot, without revealing your name.

Your unique VERIFICATION CODE is: [verification code]

Once you have marked your ballot:

- Place it in the smaller privacy envelope;
- Fill in your verification code under the privacy flap of the official mailing envelope; and
- Seal the official mailing envelope.

The county clerk will only have the random identification code and associated verification code with no other details about your identity. If these two numbers match, then the ballot will be qualified and counted. If this information is missing, then your ballot will be disqualified. If your household has more than one voter-participant, please ensure that you are using the correct verification code. If you are unsure, you can contact our office and we can help confirm this information.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

After qualification is confirmed, your ballot will be separated from the outer envelope and placed with all other absentee ballots. No one will know how you voted.

<u>If you have returned your ballot without writing in your verification code, please contact our office.</u>

Ballots must be received by the county clerk no later than 7:00 PM on Election Day to be counted. You may drop the pre-paid envelope into a US Post Office mailbox or ballot drop box, hand deliver your ballot to the county clerk's office, or hand deliver your ballot to any early or election day polling location. (Please note: Early and election day polling locations may have a chain of custody form for returned absentee ballots).

If you do not wish to participate in this election, simply destroy the ballot materials once received; no further action is required on your part. If you no longer wish to be enrolled in the SAH program, a written request for removal should be submitted to our office. If you have any questions about the voting process, please contact Analiese Ellis, SAH Administrator, at 505-827-4677.

Sincerely,

Analiese Ellis
SAH Administrator

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Sent: Wednesday, August 24, 2022 2:37 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Vigil, Mandy, SOS; Chinana, Charlotte, SOS; Lamb, William, SOS; Valdez, Felecia, SOS
Subject: [EXTERNAL SENDER] NVRA Mailer (2022)

Good Afternoon County Clerks,

In accordance with Federal and State laws, our office recently completed the NVRA process. All mailers have been sent to the voters identified in accordance with 1-4-28. During the process we identified certain criteria for voters to be flagged in the process. Unfortunately, despite our best efforts the criteria did not fully execute as expected. To be more specific, we have identified the following issues:

- There were voters with an FQE status for the Primary Election that were marked as inactive and correctly sent a mailer. The process; however, was found to affect their application status. We were able to revert those voters back to FQE status and their application status has been restored for the General Election in accordance with state law.
- There were also some voters who were picked up by the NCOA matching process and put on the mailing list but should not have been. In this case, the NCOA record was older than their most recent voter registration. We are working with the vendor to determine the scope of this problem and see if there are any corrections we can make in bulk. In addition, we are working with the vendor to correct this bug for future NVRA mailers.
- Lastly, some voters who were flagged and added to the NVRA mailer list were included more than once and they are receiving duplicate notices. We are researching the underlying cause of this issue and will be correcting it for future NVRA mailers as well.

Our office wanted to make you all aware of these issues to help prepare for any possible constituent calls/inquiries. Our team is currently working with IT and the vendor to resolve any discrepancies that came about from this process, and we will relay any updates or solutions as they become available. We apologize for any constituent issues that result. As always, please let us know if there are any questions.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@state.nm.us

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Tuesday, November 8, 2022 6:05 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; David Davoust; Aaron Davis, Robis; Ernie Marquez; Enrique Baca
Cc: Rockstroh, Gregory, SOS; Chinana, Charlotte, SOS
Subject: [EXTERNAL SENDER] Planned system outage

Planned system outage to take place immediately. Please refer to the Situation Room for updates.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Hursh, Suzanne, SOS <Suzanne.Hursh@state.nm.us>
Sent: Wednesday, September 7, 2022 11:26 AM
To: SOS-33 County Clerks
Cc: Vigil, Mandy, SOS; Chinana, Charlotte, SOS
Subject: [EXTERNAL SENDER] POLL WORKER SURVEY - time sensitive!

Hello clerks!

Thank you to those counties that have responded by providing a list of poll workers for their counties. As explained in the email from 8/26/2022, we are hoping to have as many poll workers as possible participate in the academic survey about poll worker experiences.

If you have not yet forwarded a list of poll workers for your county, please do so as soon as possible. Ideally, we need email addresses to distribute the list to poll workers, but we appreciate you sending the contact information you have regardless of email address availability. We are trying to get information to Professor Atkeson by the end of the week. Please reply to **NMClerks@state.nm.us** with your list.

Feel free to reach out with any questions. We look forward to large-scale participation to provide the best possible data to support your funding requests and operations.

Thank you,

Suzanne Hursh |Training Specialist
New Mexico Secretary of State|Capitol Annex North
325 Don Gaspar, Suite 300|Santa Fe, NM 87501
(505) 827-3622
suzanne.hursh@state.nm.us

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Friday, November 4, 2022 5:00 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: ToulouseOliver, Maggie, SOS; Pino, Sharon, SOS; Chinana, Charlotte, SOS; Romero, Charles, SOS
Subject: [EXTERNAL SENDER] Pre Election Planning Check In/Guidance Q&A - SOS Call

Hi all,

The SOS hosted a brief check in call this morning. We made is mistake and failed to include both county distribution lists. I apologize for the oversight and confusion. The purpose of the call was to provide an opportunity for any questions related to the challenger guidance that was sent out yesterday. I also shared that we would be sending a letter to all county commissions related to their election certification role, you all received a copy for your reference this morning. I touched on reminders related to challengers/watchers/monitors. Many of your teams had a representative on the call, so I don't feel like it is the best use of your time to schedule another one ahead of Tuesday. If anyone would like to touch base, I am happy to update you individually, please feel free to reach out.

Have a great weekend! We will be on call for support tomorrow.

Best,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045
mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Thursday, November 10, 2022 12:58 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: ToulouseOliver, Maggie, SOS; SOS-Bureau of Elections; Rockstroh, Gregory, SOS; Frostad, Naomba, SOS; Lamb, William, SOS
Subject: [EXTERNAL SENDER] Provisional SDR Guidance and other items - 2022 General
Attachments: Provisional SDR processing.pdf; 2022 General_Provisional SDR Guidance.pdf

Good afternoon,

Thank you all for your hard work during the 2022 General Election to ensure another successful election in our state. With the canvass process beginning, our office drafted guidance to assist you all with processing the SDR Provisionals that may have been issued to voters during the election. There are 2 processes that will need to be completed in order to successfully enter the SDR provisional voter(s).

The first process involves using the "SDR Provisional Portal" (which is similar to the normal SDR portal), to process the voter information from the provisional flap. The provisional ballot was filled out by the voter at the voting location and by using the SDR Provisional Portal, this will allow us to generate a voter record in SERVIS during books close. Attached is the guidance to complete this task in your county.

- Here is the link to process the SDR Provisional voters in the portal https://portal.sos.state.nm.us/SDRProvisional.
- You will NOT need to create new logins for this portal, your normal SDR logins that were created for the election will work to use this portal.
- The SDR record will come into the SERVIS home queue as a normal SDR record would during the election.
- You will then follow the normal provisional process to count/not count in SERVIS.

Once the voter record is created in SERVIS, the second process involves our office back dating the registration to the correct the registration date. Our office will need the following information for each voter to perform this task:

- Voter ID
- Voter Name
- Date of Application
- Date of Registration

Election Results Reporting (Public Page)

- Automatic synchronization has been turned off, please contact our office to have the results synchronized to the public site.

Thank you all for your time. If there are any questions, please feel free to reach out to our office at nm.clerks@sos.nm.gov

Best,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045
mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

2022 General Election
PROVISIONAL SAME-DAY REGISTRATION GUIDANCE

November 10, 2022

Purpose:

In an effort to ensure uniformity for this election the SOS provides the following guidance for county clerks. The provisional Same Day Registration guidance provides the steps needed to process same-day registrations (SDR) that were issued as Provisionals, due to a lack of real-time synchronization.

Statutory Resources:

Section 1-4-5.7, NMSA 1978 (registration at voting location prior to voting)
Sections 1-12-7.1, 1-12-7.2, 1-12-8, 1-12-25.2, 1-12-25.3, and 1-12-24.4, NMSA 1978 (provisionals)
Section 1.10.22 NMAC (provisionals)

SDR Provisional - Defined:

If an early voting site or election day polling place does not have real-time access to the statewide electronic voter file, a voter desiring to update an existing certificate of registration or to register to vote shall be issued a provisional ballot.

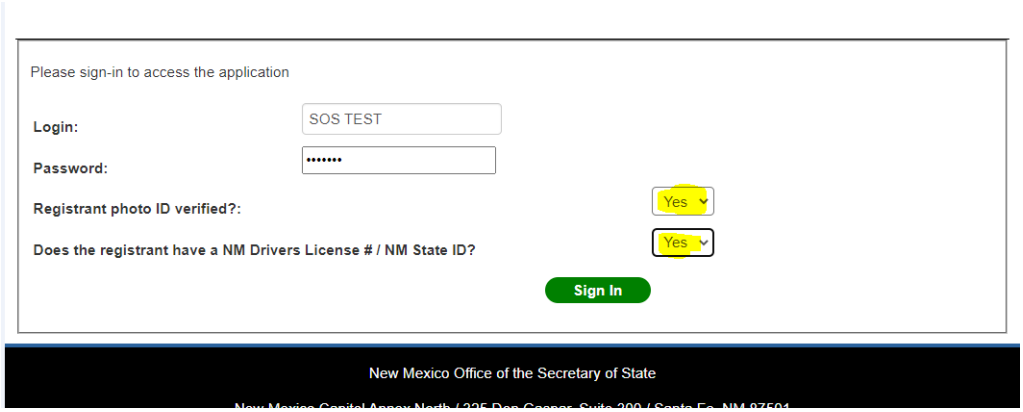
What is NOT an SDR Provisional?

- Issuing a provisional ballot because the voter's record showed "already voted."
- Issuing a provisional ballot for a voter that wants to vote for a political party other than the party on the voter registration record.
- Issuing a provisional ballot when the voter resides in another county/state, and was not intending to update their registration (because they are not a resident of the county in which they desired to cast their ballot).

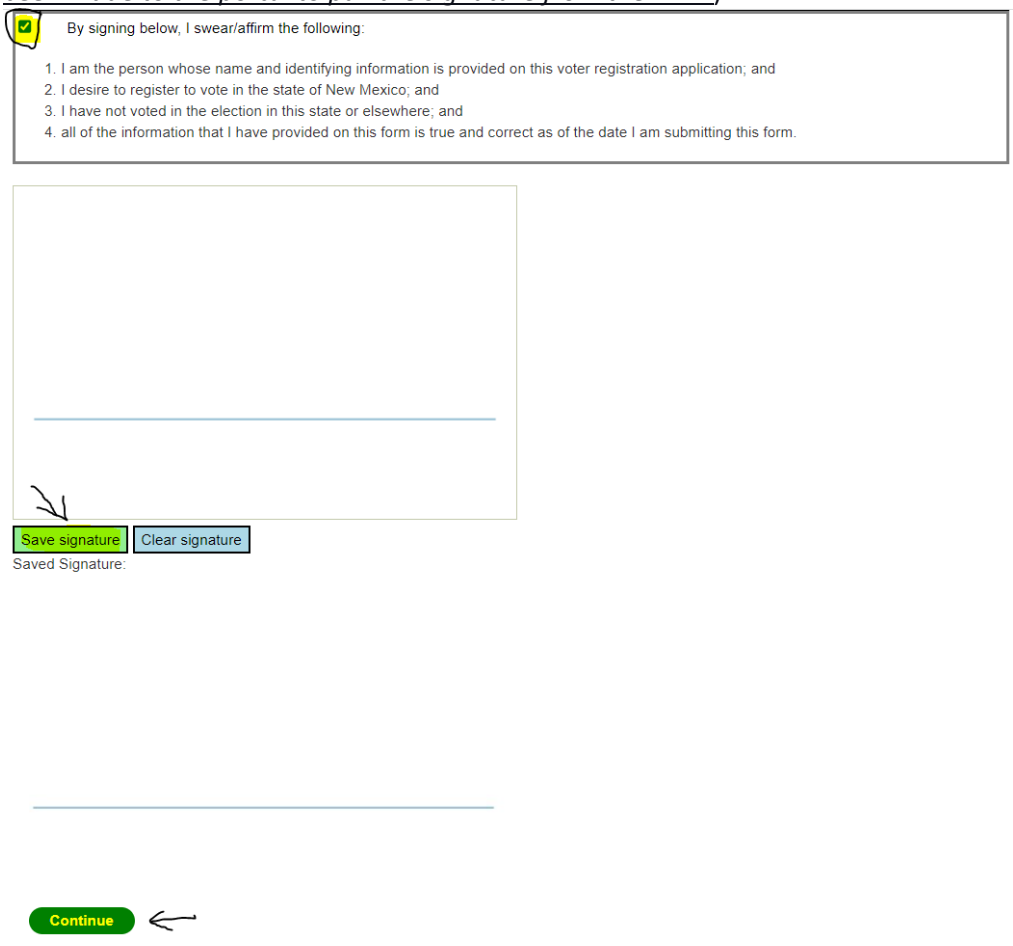
Processing Provisional SDRs:

1. If you have a combination of provisional types, separate the SDR provisionals from the rest; SDR provisionals will be processed using the steps below, while the rest will be processed as outlined in the "Provisional Qualification Guidance."
2. Once the SDR provisionals are separated, you will need to utilize the information on the provisional flap to process the voter.
3. Please use the following link to process the voter in the "SDR Provisional Portal." Your normal SDR credentials will work in this portal and there will be no need to create additional credentials in the Clerk's Portal. https://portal.sos.state.nm.us/SDRProvisional

4. There are 2 ways to process the voter in the SDR Provisional Portal:
    a. The voter provided a New Mexico driver's license number or New Mexico identification card number. If so, then process the voter as follows:
        i. Select yes to both questions, select the checkbox, and click "Sign In".

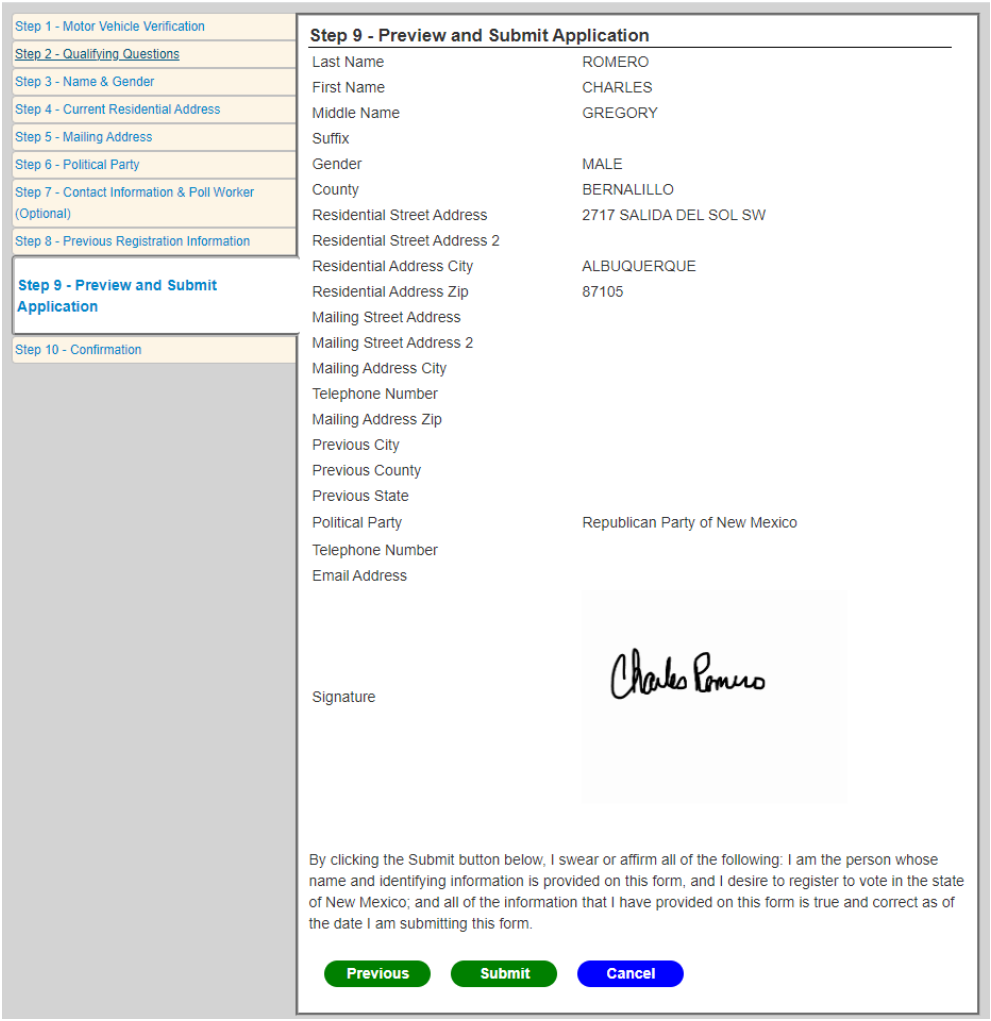


        ii. In the next screen, place a check in the checkbox and leave the signature blank, then click "Save Signature", and then click "Continue." (*PLEASE NOTE: Enhancements have been made to the portal to pull the signature from the MVD*).

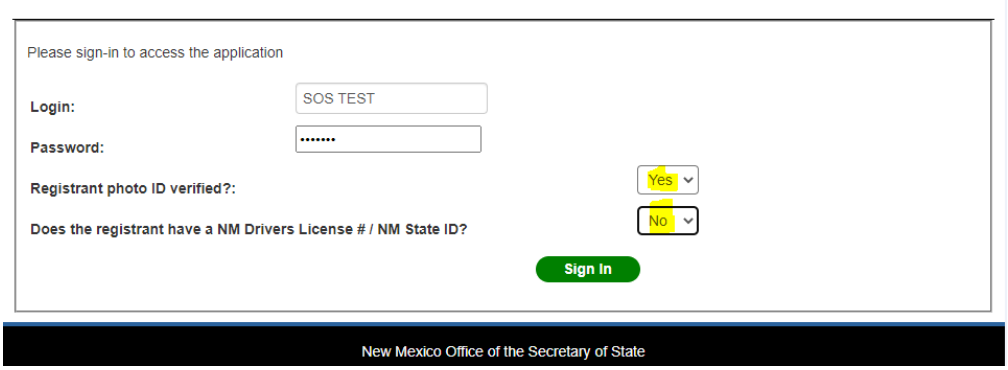


        iii. Please continue each step in the portal and fill in the information with what is on the provisional flap. Please make any corrections to names or addresses in the portal if need be. The end result will look like the screenshot below, click on "Submit" after

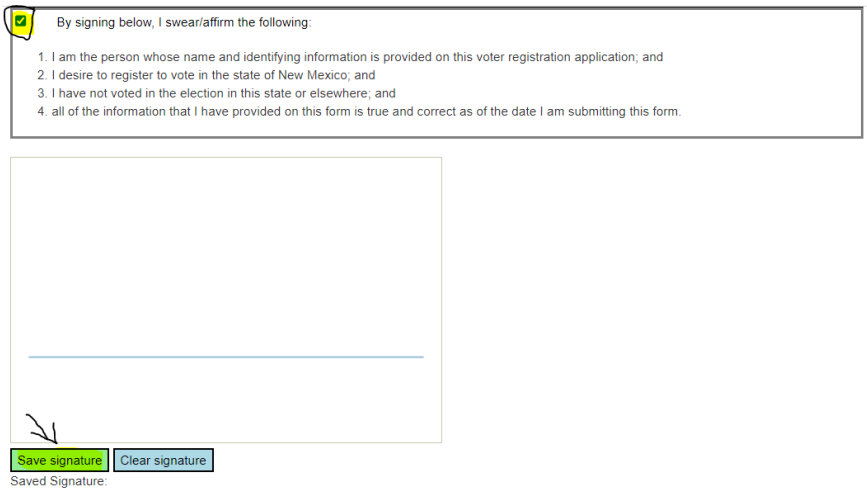
you review for accuracy of the information. *(NOTE: Once you click on "Submit," the record will be transmitted into SERVIS for further processing).*



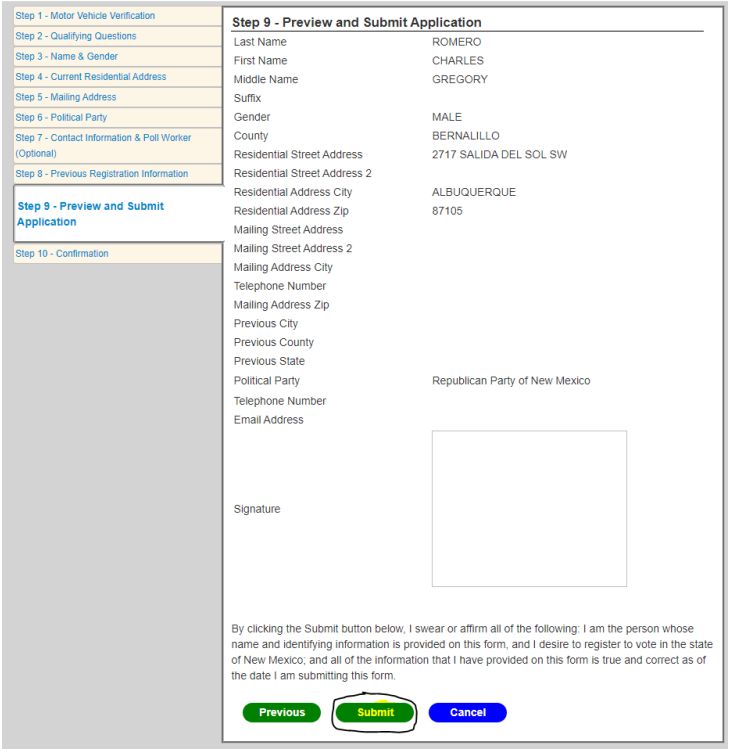
b. The voter did not provide a NM driver's license or NM ID card. If so, then process the voter as follows:
    i. Select "Yes" to the first question and "No" to the second question, select the checkbox, and click "Sign In."



    ii. In next screen, place a check in the checkbox and make an "X" on the signature line, click "Save Signature," and then click "Continue." (*PLEASE NOTE: The signature will need to be scanned from the provisional flap and inserted into SERVIS).*



iii. Please continue each step in the portal and fill in the information with what is on the provisional flap. Please enter or make any corrections to names or addresses in the portal if need be. The end result will look like the screenshot below, click on "Submit" after you review for accuracy of the information. *(NOTE: Once you click on "Submit," the record will be transmitted into SERVIS for further processing)*



Provisional SDR processing

To process provisional SDR applications please use the link provided by the SOS to navigate to the appropriate SDR application.

-Voters with a NM Driver's License-

When processing a provisional SDR where the voter has a NM driver's license number the voters signature, from the first page of the SDR application will be replaced with the Signature on file from MVD.

The county user processing the application, will need SDR credentials to log into the SDR application as normal. When the user reaches the Signature page, they will need to click the affirmation box , then click Save Signature (No Signature in necessary to continue). Complete Steps 1-10 updating or entering information as needed. After the user submits the SDR application, the application will be available to process in SERVIS as normal. The Signature for the voter will be added to the voters record under images. This will be their signature on file with MVD.

-Voter with NO Driver's License-

If the voter does not have a NM driver's license the county user will need to select NO for second question on the log in the screen. When the user reaches the Signature page, they will need to click the affirmation box, then click Save Signature (No Signature in necessary to continue). Complete Steps 1-10 updating or entering information as needed. After the user submits the SDR application, the application will be available to process in SERVIS as normal. The signature from the physical provisional application will need to be scanned into the voters record under the Images tab. To do this select "add new" from the Images tab. Next select the method used to load the image, either Scan Image or Upload Image (use this if the user has already scanned or cropped the image from the application). The user will need to select the form type "miscellaneous" and add a detailed note to the image, that this is the signature from the provisional SDR application.

-Back Dating of Registration Date-

The County will need to provide a detailed list to the SOS that contains the following information:

Voter ID

Voter Name

Date of Application

Date of Registration

These will have to be changed in coordination with KnowInk. Please send this list to nm.clerks@sos.nm.gov

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Wednesday, November 30, 2022 2:22 PM
To: clerklist@nmclerks.org
Subject: [EXTERNAL SENDER] RE: [ClerkList] affiliate meeting

All Committee members are subject to change at the beginning of each two-year Legislature.

-- Daniel.

On Nov 30, 2022 at 1:20 PM -0800, clerks@rooseveltcounty.com, wrote:

> Daniel, Thank you for that information, one of the items on our agenda tomorrow is discussing who might carry our bills, and I was thinking it might be helpful to know who serves where. So, with the exception of the chair, does the rest of the senate rules committee remain the same? Or is that subject to change when a new chair is chosen?
>
> Mandi

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Wednesday, November 30, 2022 2:15 PM
To: clerklist@nmclerks.org
Subject: Re: [ClerkList] affiliate meeting

Mandi, et al,

In the House, the Speaker makes all Committee appointments. The current Speaker is retiring from the House, so there will be changes that come with a new Speakership. While it is anticipated that Rep. Javier Martinez will be elected Speaker, that election takes place on the first day of the Session. Committee Chairs and members will be assigned after that.

In the Senate, the Committees Committee makes that Committee appointments. The Committee's Committee is appointed by the President Pro team, who is elected the first day of the Session and then announces the appointment of the Committees Committee. Assuming Mimi Stewart remains as Pro Tem, shortly after the new year she will likely be making announcements of her recommendations to the Committees Committee for tho should chair what committee. No announcement has been made regarding the Senate Rules Committee.

-- Daniel.

On Nov 30, 2022 at 1:09 PM -0800, mpark@rooseveltcounty.com, wrote:

Does anyone know yet, who is going to chair senate rules in the coming session? Which committees newly elected representatives will sit on, or when the committees committee will meet to make those decisions?

Thank you.

Mandi M. Park

Roosevelt County Clerk

109 W. 1st Street

Lobby Box 4

Portales NM 88130

575-356-8562

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Tuesday, November 22, 2022 3:08 PM
To: ClerkList@nmclerks.org
Subject: [EXTERNAL SENDER] Re: [ClerkList] FW: IPRA Request

Ugh!!

Remember, Section 1-12-69(G) creates a black-out period on IPRA's until 45 days after the state canvass — or 45 days after a recount for those of you involved in a recount.

-- Daniel.

On Nov 22, 2022 at 5:04 PM -0500, Marlene Custer <Marlene.Custer@co.mckinley.nm.us>, wrote:

> Anybody received this! See below message
>
> _ Sfwdwtj 'Sxf
>
> Manager, Bureau of Elections
>
> McKinley County
>
> OFFICE OF THE BUREAU OF ELECTIONS
>
> 207 west Hill Avenue
>
> Gallup, New Mexico 87301
>
> (505)-722-4469
>
> Fax (505) 726-8117
>
> *Please note that the information and attachments in this email are intended for the exclusive use of the addressee and may contain confidential or privileged information. If you are not the intended recipient, please do not forward, copy, or*

print the message or its attachments. Notify me at the above address and delete this message and any attachments. Thank you.

From: littlemildred <littlemildred@proton.me>
Sent: Monday, November 21, 2022 3:23 PM
To: Elections <elections@co.mckinley.nm.us>
Subject: IPRA Request

November 19, 2022

Jacqueline Katherine Sloan
207 West Hill Street
Gallup, NM 87301
(505) 863-6866

elections@co.mckinley.nm.us

RE: Request to inspect public records

Dear Ms Sloan:

The Inspection of Public Records Act NMSA 1978, Chapter 14, Article 2 and the Open Meetings Act NMSA 1978, Chapter 10-15.

I am requesting the following records for inspection:

Please provide the following information on the 2022 Election held on November 8, 2022 in New Mexico:

1. Vote counts/tallies/results for ALL offices on the ballot separated (if possible) by Mail-In, Early Voting, and Election Day (or other categories) submitted to the Secretary of State showing date & time of each transmittal and method used for transmitting the election results to the Secretary of State. Also, a confirmation of receipt of transmitted results if one received.

2. Number of spoiled and cured ballots processed.

3. All Write-In candidate voting results

4. Number of total Provisional ballots received and the number of Provisional ballots that were counted as legal and included in results.

5. Down-time of all tabulators whether for adjustments, servicing or unknown reasons.

6. Percentages of Democrat, Republican, Independent and Libertarian registered voters in your county.

Please provide me with this information within seventy-two (72) hours after receipt of this request. Digital copies of these document are acceptable.

Thank you

L Miller
2406 Aspen Dr
Alamogordo, NM 88310
575-635-8328

--

You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Thursday, August 25, 2022 3:40 PM
To: ClerkList@NMClerks.org
Subject: [EXTERNAL SENDER] Re: [ClerkList] IPRA REQUEST HELP

Mike,

For an IPRA, Section 14-2-9(C) provides what may be charged when fulfilling an IPTA request:

Section 14-2-9. Procedure for Inspection:

. . .

C. A custodian:

(1) may charge reasonable fees for copying the public records, unless a different fee is otherwise prescribed by law;

(2) shall not charge fees in excess of one dollar ($1.00) per printed page for documents eleven inches by seventeen inches in size or smaller;

(3) may charge the actual costs associated with downloading copies of public records to a computer disk or storage device, including the actual cost of the computer disk or storage device;

(4) may charge the actual costs associated with transmitting copies of public records by mail, electronic mail or facsimile;

(5) may require advance payment of the fees before making copies of public records;

(6) shall not charge a fee for the cost of determining whether any public record is subject to disclosure; and

(7) shall provide a receipt, upon request.

There is a general philosophy that charges should not exceed costs, however, the above subsection doers not tie what you charge to costs. On the other hand, if the charges appear designed to dissuade a request, that could be challenged.

Hope this helps!!

-- Daniel.

On Aug 25, 2022, 12:05 PM -0600, Mike Milam <mike.milam@co.valencia.nm.us>, wrote:

> Hello Daniel and Clerk's Team, Daniel, what can the County Clerk's charge for an IPRA request?
> Thank you for your input
>
> On Tue, Aug 23, 2022 at 4:03 PM 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org> wrote:
> > Jeff, Yvonne, Brenda, et al,

The collective advise so far is sound.

As for risk-limiting audits, for the past 12 years New Mexico has conducted what we call a post-election audit after each General Election. The number of precincts chosen is based on the margin of the closest races, and based on the current model, not every county has at least one precinct chosen. It a a form of risk-limiting audit, making New Mexico the first state in the country to employ this verification process. (On an aside, had SB 6 passed, the post-election audits would have been extended to all statewide elections and would have included every County), which is a best practice.)

Bottom line, you have no responsive documents to that request.

-- Daniel.

On Aug 23, 2022, 3:52 PM -0600, brenda.green@unionnm.us, wrote:

Hi Jeff,

I believe the template Daniel provided would be usable for responding to the first request. The wording in the request is almost identical to the one I received.

I agree with Yvonne on providing copies of the tabulator certs, and a copy of your oath of office. As for a copy of the surety bond, clerks are not the custodian of that record (in our county the county manager is), so nothing to provide.

No idea what the “Risk Limiting audit” is…….. Perhaps Daniel can give us some insight???

Hope this helps😊

Euhqgd

From: 'Yvonne Otero' via ClerkList <clerklist@nmclerks.org>
Sent: Tuesday, August 23, 2022 3:24 PM
To: clerklist@nmclerks.org
Subject: RE: [ClerkList] IPRA REQUEST HELP

I used the letter that Daniel sent to respond to that one from Yehuda.

All you need to do is make copies of the certification certs from the tabulators and sent them and the same thing with the oaths of office. The surety bond we don't have it, so no responsive records, that is SOS or NM Counties that has that info.

I forgot what the Risk Limiting audit is, but I think that is something that you will have no responsive records to either, but I would wait for more guidance on that one 😊

Yvonne

From: clerklist@nmclerks.org <clerklist@nmclerks.org> **On Behalf Of** Jeff Hromas
Sent: Tuesday, August 23, 2022 3:09 PM
To: clerklist@nmclerks.org
Subject: [ClerkList] IPRA REQUEST HELP

Khoor/

#

Ilp #vhhnlqj #vrp h#dvvlvwdqfh#sodqdvh1##HgrqÛw#hfdo#kdylqj#lq|#SUD#htxhvw#lq#p |#hdu#lqg#l#kdo#
ri#ehlqj#F dun/#xqwl#khvh#wz r#dulylhg#q#wkh#p dl#wrgd|1

#

F dq#lq|#ri#rx#h{shuhqfhg/#vhdvrqhg#SUD#hvsrqghu#ri ihu#vrp h#dgylfh#rq#wkh#htxhvw##
uhfhlylhg#wrgd|B##Wkh#lluw#htxhvw#lv#vlp ldu#wr#rqh#vhqw#e|#\hkxgd#P ldu#wkdw#Euhqgd#J uhq#z dv#
dvnlqj#lerxw#dw#z hhn1##Z rxog#wkh#hvsrqvh#Gdqlho#surylghg#xv#z run#ru#wkl v#rqhB

#

Wkh#vhfrqg#htxhvw#v#dvnlqj#ru#suhfdwrq#fhuwlfdwhv#rq#hdfk#dexodwru/#wkh#lvn#p lwqj#dxglw#
dqg#R dwk#ri#R iilfh#dqg#xuhw|#erqg1##Iv#wkh#vshdnlqj#ri#wkh#ŠF huwlfdwh#ri#Edoorw#Wdexodwru#
Suhsdudwrqõ#iru#B#Z kdw#v#wklv#Šulvn#p lwqj#dxglwõ#wkh#vshdnv#ri#dqg#gr#wkdyh#wr#xuqlvk#khup |#
R dwk#ri#R iilfhB#Z kdw#v#wklv#xuhw|#erqgB

#

Dq|#khos#z rxog#eh#dssuhfldwhg1

#

Wkdqn#|rx#q#dgydqfh$

Mhii

#

#

Mhii#Kurp dv

Gh#Edfd#Frxqw|#Fdvn

SR#Er{#67:

57;#H#Dyhqxh#F

Iruw#Wxp qhu#QP #;44<

Skrqh#B:8168815934

Id{#B:8168815774

#

mhikurp dvCsodwhdxwhdqhw

OHJ DO#DGYIFH#OP IWDWR Q=#Wvdi#q#wklv#riilfh#P D\#QR W#ildwrxw#iru v#ru#riihu#xfk#glhfwrq#wr#wkh#
sxedf1#QP #Frxqw|#Hp sor|hhv#duh#surklelwhg#irp #jlylqj#OHJ DO#DGYIFH1#Sdvdvh#frqwdfw#d#
txdolilhg#dfhqvhg#dwwruqh|#iru#dnjdlgylfh#thjdugqj#wkh#dlssursuldwh#dqjxdjh/#iru dw#dqg2ru#
surfhvv#iru#p dwhuv#kdqgdng#e|#wkl#riilfh1

#

VHDUFKHV=Rxu#riilfh#v#qrw#flhqvhg#ru#erqghg#wr#frqgxfwlqj#hdd#hvdwh#dndufkhv1#Sdvdvh#
frqwdfw#d#rfdd#Dewwdfw#ru#Wdn#Frp sdq|#Krz hyhu/#rq#htxhvw/#rxu#riilfh#z lo#qwxfw#shurqv#rq#
krz #wr#shuirup #hdd#hvdwh#dvvhw#dndufkhv#q#rxu#riilfh1#Wkh#Sh#Edfd#Frxqw|#Fdvn#R iilfh#z lo#qrw#

dvvxp h#Dbeb/#ru#hdufkhv#frqgxfwhg#e/#rwkhuv#Nkuh#Mqr#fkdujh#wr#hdufk#hfrugv#rq#Lqh#q#wkh#riilfh1

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--

CONFIDENTIALITY NOTICE: The information in this e-mail and in any attachment may contain information that is privileged. It is intended only for the attention and use of the named recipient (s). If you are not the intended recipient (s), you are not authorized to retain, disclose, copy or distribute the message and/or any of its attachments. If you received this e-mail in error, please notify sender at the County of Valencia and delete this message. Thank-you.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Friday, September 9, 2022 2:51 PM
To: clerklist@nmclerks.org
Subject: [EXTERNAL SENDER] Re: [ClerkList] Miller IPRA

Greetings!!

The County Attorneys and the NMC have requested that work be done (quickly) to flesh out legal options and strategies to get a unified answer on our responsibilities as public servants. Part of that will be to request a stay of the currently-pending IRA requests.

Please communicate with your county attorney regarding this.

In addition, I am going to need from each county the number of IPRAs you have received related to the 2020 general election, and for bonus points, copies of those IPRA requests.

Please do not send these to everyone on the ClerkList!!

Please send directly to me at: Daniel@Vandelay.Solutions.

Thank You!!

Hopefully, help os on the way!!

-- Daniel.

On Sep 9, 2022, 2:46 PM -0600, Darlene Rosprim <darlene@co.eddy.nm.us>, wrote:

> Any news on the IPRA request from Yehuda Miller?
> Dar
>
> Sent from my iPhone

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Tuesday, November 22, 2022 2:29 PM
To: clerklist@nmclerks.org
Subject: [EXTERNAL SENDER] Re: [ClerkList] RE: [EXTERNAL]October 2022 iGO Newsletter
Attachments: 2023 NMC Clerks Affiliate Draft Misc Issues.docx; 2023 NMC Clerks Affiliate IPRA Draft.docx

Linda,

Attached are the two Clerk Affiliate bills. Both bills were approved by the NMC Board of Directors, and the IPRA bill is an NMC priority.

-- Daniel.

On Nov 22, 2022 at 12:16 PM -0500, Linda Stover <lstover@bernco.gov>, wrote:

> Can someone send me Danie' bill he sent last mont. I can't find anything our internet has been down. Thank you Linda

---

From: 'Maestas, Naomi' via ClerkList <clerklist@nmclerks.org>
Sent: Thursday, November 3, 2022 2:37 PM
To: 'ClerkList' <clerklist@nmclerks.org>
Subject: [ClerkList] FW: [EXTERNAL]October 2022 iGO Newsletter

CAUTION: This email originated from outside of Bernalillo County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

J rrg#gd|#uhqgv#Vp sq|#sdvvhqj#dorqj#vrp h#p ruh#juhdw#qirup dwrq#urp #wkh#qwhuqdwrqdd#
Dvvrfldwrq#ri#J ryhuqp hqw#R iilflov#-J R ,/#z klfk#kdv#ehhq#l#juhdw#hvrxufh#wr#p h#lqg#rwkhu#fdunv#
dqg#wdiih#wkq#rx#wdwh#z wk#vxssruwyh#qhwz runqj/#wdlqjjv/#dqg#wdgh#wkrz #nyhqwv#Sdndvh#
frqvlghu#ehlqj#d#sduw#ri#wkh#qvwxp hqwdo#rujdql}dwrq$

Ii#|rx#duh#qwhuhvwhg/#p #kdss|#wr#wkduh#dq|#rwkhu#xvhixo#qirup dwrq#rq#wkh#rudjdql}dwrq1

Wkdqn#|rx#ru#|rxu#ydoxdeoh#wlp h1

Uhvshfwixoo|/#

£QP #

#

Naomi D. Maestas

County Clerk

Q P F #Erdug#ri#Gluhfwruv | lJ R #Ghojdwlrq#Gluhfwru Úv#H{hf1#Frpplwwhh | HD F #Orfdo#Ohdghuvkls#Frxqflo

1000 Central Avenue Suite 240, Los Alamos NM 87544

505.662.8012 *desk* | 505.709.0402 *cell*

www.losalamosnm.us/clerk

Elections Matter, register to vote today! (YwzxyjiNskt7577… GJ JQJHYNTS WJFI^&

OHJDO#DGYIFH#OIP IWDWR Q#Wvdii#dq#wkl v#riilfh#P D\#QR W#lodwxw#rup v#ruriihu#xfk#glhfwrq#wr#wkh#sxedf1#QP #Frxqw/#p sor/hhv#duh# surklelwhg#urp #jylqj#OHJDO#DGYIFH1#Sdndvh#frqdfwd#txddlhg#dfhqvhg#lwwruqh/#ru#mjdd#dgylfh#hjdugqj#wkh#dssursuldwh#dqjxdjh/# irup dw#dgg2ru#surfhvv#ru#p dwhu#kdqgdng#e/#wkl v#riilfh1

VHDUFKHV=Rxu#riilfh#v#qrw#dfhqvhg#ru#erggh g#wr#frqgxfw#ghwdlhg#hdd#hvwdwh#hdufkhv1#Sdndvh#frqdfwd#rfd#Dewdfw#ru#Wwn# Frp sdq/1#Krz hyhu/#rq#htxhvw#xu#riilfh#z ld#qwuxfw#shurqv#rq#krz #wr#shuirup #hdd#hvwdwh#wwn#hdufkhv#q#xu#riilfh1#Wkh#Orv#Dodp rv# Frxqw/#FdunÚv#R iilfh#z ldkqrw#lvxp h#dle1w/#ru#hdufkhv#frqgxfwhg#e/#wkhuv#Wkhuh#v#qr#fkdujh#wr#hdufk#hfrugv#rq#lq#q#wkl v#riilfh1# kwwsv=22frxqw/ixvlrq4lnrilmwhfk1xv2frxqw/ze2orjlqG1usdl/1dfwrqBfrxqw/qdp h@OrvDodp rv

Frqilghqwdodw/#Qrwfh=#Wkl v#hp dlo#qfoxglqj#dq#dwdfkp hqw/#v#ru#wkh#rq#kvh#riikh#qwhqghg#hfls hqw#dqg#p d/#frqwdlq#frqilghqwdo#qg# sulylohjhg#qirup dwrq1 Dq/#xqdxwkrul}hg#hhylhz /#xvh/#glvforvxh/#ru#glwulexwrq#lv#surklelwhg#xqdxwv#vshflilfdoo#surylghg#xqghu#wkh#Qhz # P h{lfr#qvshfwrq#r i#Sxedf#Uhfrugv#Dfw1 Li#/rx#duh#qrw#wkh#qwhqghg#hfls hqw/#sdndvh#frqdfw#wkh#vhqghu#dqg#ghwur/#dlo#frs hv#r i#wkl v# p hvvdjh1#

Please consider the environment before printing this e-mail.

#

From: Kimberly S Hargrove <Kim@iaogo.org>
Sent: Thursday, November 3, 2022 1:52 PM
To: Maestas, Naomi <naomi.maestas@lacnm.us>
Subject: [EXTERNAL]October 2022 iGO Newsletter

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

View in your browser

MESSAGE FROM OUR PRESIDENT

Dear Friends and Colleagues,

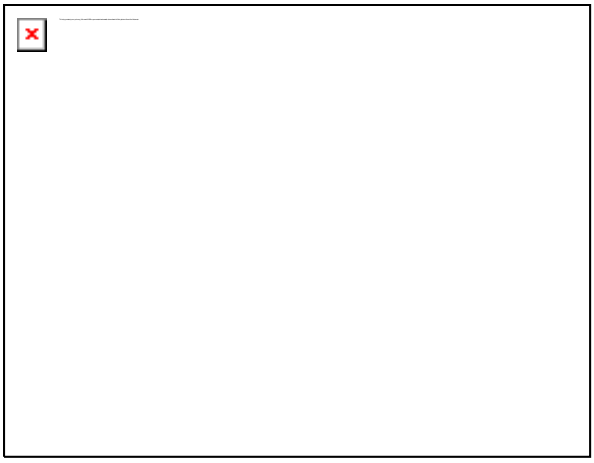
Becoming a member of iGO was absolutely one of the most important decisions I made during my long career in the public sector. And now it's that time of year again! Time to renew the membership in our wonderful organization. Our members mean everything to our organization and without members we can not create all the great things we achieve with networking, training, trade show and all the good things we do together. You will also get more of all of this if you register for our conference in Glendale, AZ at the end of January, 2023. Please see more in this newsletter about registering or visit our website. The place is

well chosen and liked by many. Like for example, the Super Bowl that will take place in just 14 days after our conference. Invite one or why not several more colleagues to become members of our organization so that more people can experience the camaraderie of iGO!

Please do not hesitate to contact me with any ideas or concerns you may have. I hope that you all have a wonderful Thanksgiving and can enjoy time with your families!

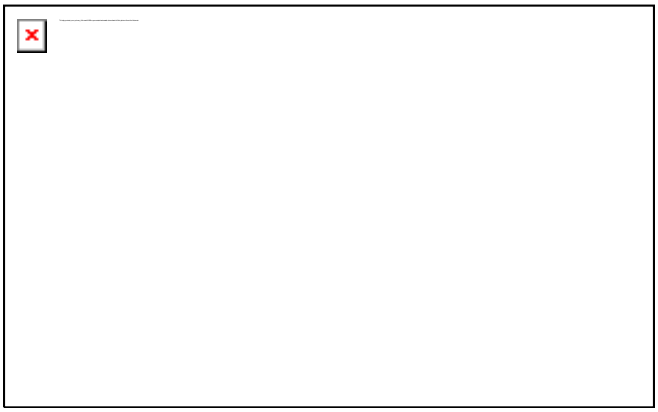
Thank You

E loo#Z huq j uhq



MEMBERSHIP RENEWAL IS NOW OPEN FOR 2023!

Each member should have received an email on November 2nd that membership is open to renew for 2023. We do hope that you will continue to support iGO and take advantage of the many benefits of being a member! You can renew online when you log in to your profile or you can email Kim Hargrove, Chief Staff Officer for assistance or call 800-890-7368.



[By: Tony J. Sirvello, Editor]

Wkh#p dmrulw|#ri#JR#P hp ehuv#krog#dq#hdfwhg#srvlwlrqý 11dqg#p dq|#ri#wkhp #duh#rq# wkh#edoorw#wkv#|hdu/#vr#wkh#p sruwdqfh#ri#yrwlqj#lv#yhu|#uhdydqw#wr#hdfk#ri# wkhp 1##P dq|#rwkhuv#ri#rxu#p hp ehuv#duh#hp sor|hg#lq#d#fdsdflw|#wkdw#sxwv#wkhp #lq# wkh#iruhiurqw#ri#suhsdudwlrq#dqg#dffrxqwdelow|#iru#hyhu|#yrwhu#dqg#hyhu|#yrwh#fdvw1

Wkhuh#duh#p dq|#txrwhv#dqg#vwdwhp hqw#derxw#wkh#p sruwdqfh#ri#h{suhvvlqj#|rxu# rslqlrq#dw#wkh#edoorw#er{1##Lq#p |#63#|hduv#dv#Dgp lqlvwudwru#ri#Hdfwlrqv#lq#Kduulv# Frxqw|/#Wh{dv/#wkhuh#z dv#d#exp shu#vwlfnhu#rq#p |#grru#wkdw#vlp so|#vwdwhg=#ŠGrqÚ# Yrwh#Ù#GrqÚ#E lwfkõ1##Wkv#lv#wuxh#iru#hdfk#dqg#hyhu|#hdfwlrq#lq#z klfk#z h#dv#flwl}hqv# kdyh#wkh#uljkw#wr#sduwflsdwh1

Wkh#Qdwlrqdo#Jhrjudskf#Vrflhw|#vd|v=#ŠSduwflsdwlqj#lq ***elections***#lv#rqh#ri#wkh#nh|# iuhhgrp v#ri#Dp hulfdq#dlh1#P dq|#shrsdn#lq#frxqwulhv#durxqg#wkh#z ruog#gr#qrw#kdyh# wkh#vdp h#uhhgrp /#qru#g lg#p dq|#Dp hulfdqv#lq#Ehqwkulhv#sdvw#Q r#p dwhu#z kdw#|rx# ehdhyh#ru#z krp #|rx#vxssruw/#Lw#lv ***important***#wr#h{huflvh#|rxu#uljkwv1õ

P dq|#JR#P hp ehuv#kdyh#vhqw#krxuv#dqg#gd|v#lq#suhsdudwlrq#ru#gh{w#Wxhvgd|ŭv# Hdfwlrq/#z lwk#olwwdn#dfnqrzdngjp hqw#ru#dffodlp 1##Wkdqnv#wr#hdfk#ri#|rx#ru#grlqj# |rxu#sduw#wr#p dnh#rxu#Qdwlrq#dqg#rxu#Dvvrfldwlrq#surxg$

UPCOMING EVENTS

Online Fall CPL Course has been postponed until December 6, 2022 - Course Title "Running for Local Office". Don't forget to register on our home page or under Education in the blue bar then CPL Program.

2023 Mid Winter Conference - Renaissance Phoenix Glendale Hotel, Glendale, AZ

For more information visit our website and click on attend in the blue bar then 2023 Mid Winter Conference

Schedule:

January 28, 2023 - CPL Courses (Course 1- Community Building & Leadership, Course 2- Challenges in Local

Government - Presented by Pete Peterson, Davenport Institute-Pepperdine University

January 29, 2023 - Committee Meetings and Joint Board Meeting

January 30 thru February 1, 2023 - Opening of the Conference and Educational Sessions

Exciting side note: The Super Bowl LVII will be hosted next door to our hotel at the State Farm Stadium a few days after our conference so we should see some exciting action going on around the hotel during our stay!

Reservation Information Below:

Group Name/Code	iGO Mid Winter Conference/GT1
Group Rate	Guestrooms: $175 daily ++, Parking Complimentary
Online Reservation Link	Book your group rate for iGO Mid Winter Conference
Toll Free Reservation Line	800-931-1595 Code GT1
Group Cut Off Date	Attendees must book their reservations and fill the group block prior to January 3

If you need to submit a P.O. to the Hotel please send it to the following:

Renaissance Phoenix Glendale Hotel

Attn: Sheryl White

9495 W. Coyote Blvd.

Glendale, AZ 85305

If you have any issues with room reservations please contact Kim Hargrove, iGO Chief Staff Officer at

kim@iaogo.org or 800-890-7368

Please click below for the Conference Registration Forms, Tentative Conference Agenda, and Education Grid (Clerks Div. Topics will be coming soon). Please note that you can also go to iaogo.org and pay registration online.

2023 Mid Winter Conference Tentative Agenda

2023 Mid Winter Conference Tentative Education Grid

2023 Mid Winter Registration Form

2023 Mid Winter Registration Form Fillable

2023 Annual Conference - Worthington Renaissance Hotel-Fort Worth, Texas

Schedule:

June 23 - Conference Committee Setup

June 24 - CPL Courses (2 courses) and Committee Meetings/Joint Board Meeting

June 25 thru June 27 - Opening of the Conference, Education Sessions,

Trade Show and Installation/Awards Banquet

You will want to join us for some western hospitality!

This is a great location with the Stockyard just down the street to experience the Fort Worth Herd and the

Sundance Square just out the front door of the hotel.

Y'ALL COME BE WITH US!

INTERNATIONAL ASSOCIATION OF GOVERNMENT OFFICIALS

PO BOX 785 DUNN, NC 28335

1-800-890-7368

igoinfo@iaogo.org

You have received this message from the mailing list of International Association of Government Officials. If you would prefer not to receive these emails in the future, go to the opt-out page and modify your privacy settings. You can also request to be removed from our database completely.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

NMC Clerks Affiliate Bill Draft

(1) Poll Worker Pay; (2) Reopening of Books; & (3) Cutoff to Request Mailed Ballot

Poll Worker Pay:

SECTION 1. Section 1-2-16 NMSA 1978 (being Laws 1969, Chapter 240, Section 36, as amended) is amended to read:

"1-2-16. ELECTION BOARD--MESSENGERS--COMPENSATION.--

A. Members of an election board and messengers shall be compensated for their services at an hourly rate set by the secretary of state; provided that the rate [~~of~~] in each county shall not be less than twice the [~~federal~~] minimum hourly wage rate [~~nor more than two hundred dollars ($200) for an election day~~] set by federal or state law or by the laws of the county or of the municipality in which the county seat is situated, whichever is highest; and provided further that the rate may differentiate among the presiding judge, election judges, election clerks and messengers. Election board members and messengers shall be paid for training and may additionally be paid mileage as provided in the Per Diem and Mileage Act each way over the usually traveled route when an election board member or messenger travels by private vehicle.

B. [~~Members of an election board assigned to alternate voting or alternate mobile voting locations or absent voter precincts may be compensated at an hourly rate set by the county clerk.~~

~~C.~~] Compensation shall be paid by the secretary of state within thirty days following the date of election.

C. The secretary of state shall determine if payment is made to each county through a direct payment process to election board members and messengers or by means of a grant or reimbursement to the county election fund.

D. For purposes of determining eligibility for membership in the public employees retirement association and pursuant to the provisions of Subsection B of Section 10-11-3 NMSA 1978, election board members and messengers are designated as seasonal employees."

Reopening of Books:

SECTION 2. Section 1-4-8 NMSA 1978 (being Laws 1969, Chapter 240, Section 66, as amended) is amended to read:

"1-4-8. DUTIES OF COUNTY CLERK--ACCEPTANCE OF REGISTRATION--CLOSE OF REGISTRATION--LATE REGISTRATION.--

For qualified electors seeking to register to vote or update an existing voter registration in the state, the following provisions shall apply:

A. to participate in an election, the deadline to register to vote or update an existing voter registration is twenty-eight days prior to that election;

B. the county clerk shall receive certificates of registration at all times during normal working hours, except that the clerk shall not process any certificate of registration subscribed and sworn beginning the first business day after the deadline to register to vote or update an existing voter registration before an election if the residential address on the certificate of registration indicates that the registration is for a:

(1) statewide election, within the county; or

(2) special election, within any precinct in the county in which votes may be cast in the special election;

C. between the deadline to register to vote or update an existing voter registration through the day of the election, the county clerk shall process all:

(1) new voter registrations that meet the requirements of this section;

(2) updates to existing voter registrations in this state that meet the requirements of this section; provided that an update to an existing registration in this state shall not be processed if the voter has requested or been sent a ballot in the election, unless the voter executes an affidavit stating that the voter has not and will not vote the ballot that was issued and the ballot register does not show that a ballot from the voter as not been cast in the election; and

D. certificates of registration and cancellations of existing voter registrations not processed pursuant to Subsection B or C of this section [~~shall~~] may be processed beginning [~~thirty-five days after~~] the Monday following an election and shall be processed beginning no later than the first business day after the approval of the county canvass report for that election, at which time a voter information document shall be mailed to the registrant at the address shown on the certificate of registration; provided that if there is a subsequent election scheduled at which a qualified elector or voter would be eligible to vote if the certificate of registration were processed on an earlier date, the certificate of registration for that qualified elector or voter shall be processed by the county clerk on a day and in a manner to ensure the ability of the qualified elector or voter to vote in the subsequent election;

E. when the deadline to register to vote or update an existing voter registration prior to an election referred to in this section is a Saturday, Sunday or state holiday, registration certificates shall be accepted through the next succeeding business day for the office of the county clerk; and

F. the county clerk shall accept for filing and process any certificate of registration that is subscribed and dated on or before the deadline to register to vote or update an existing voter registration prior to an election and:

(1) received by the county clerk by the end of the last regular business day of the week for the office of the county clerk immediately following the deadline to register to vote or update an existing voter registration prior to an election;

(2) mailed and postmarked on or before the day of the deadline to register to vote or update an existing voter registration prior to any election referred to in this section; or

(3) accepted at a state agency designated pursuant to Section 1-4-5.2 NMSA 1978."

Cutoff to Request Mailed Ballot:

SECTION 3. Section 1-6-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 131, as amended) is amended to read:

"1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

A. The county clerk shall mark each completed application for a mailed ballot with the date and time of receipt in the clerk's office and enter the required information in the ballot register. The county clerk shall then determine if the applicant is a voter and if the

voter is a uniformed-service voter or an overseas voter. If the applicant is a uniformed-service voter or overseas voter, the application shall be processed pursuant to the Uniform Military and Overseas Voters Act. An application for a mailed ballot from a voter who is not a federal qualified elector is timely if received by the county clerk no later than fourteen days prior to election day.

B. If the applicant does not have a valid certificate of registration on file in the county, a mailed ballot shall not be issued and the county clerk shall mark the application "rejected" and file the application in a separate file from those accepted [~~and notify the applicant in writing with an explanation why the application was rejected~~].

C. When required by federal law, if the applicant has on file with the county a valid certificate of registration that indicates that the applicant is a voter who is a new registrant in the state and who registered by mail without submitting the required documentary identification, the county clerk shall notify the voter that the voter must submit with the mailed ballot a form of documentary identification from the list in Paragraph (3) of Subsection I of Section 1-4-5.1 NMSA 1978. The county clerk shall note on the ballot register and signature roster that the applicant's mailed ballot must be returned with the required voter identification.

D. If the applicant has on file with the county a valid certificate of registration, the county clerk shall mark the application "accepted" and deliver a mailed ballot to the voter and the required envelopes for use in returning the ballot.

E. Upon the mailing of a mailed ballot to an applicant who is a voter, an appropriate designation shall be made [~~on the signature line of the signature roster next to the name of the voter~~] in the absentee ballot register.

F. A mailed ballot shall not be delivered by the county clerk to any person other than the applicant for the ballot. Mailed ballots shall be sent to applicants beginning twenty-eight days before the election. For each application for a mailed ballot received twenty-three or more days before the election, the county clerk shall send either the ballot or a notice of rejection to the applicant as soon as practicable; provided that the ballot or a notice of rejection is sent not later than twenty-two days before the election. For each application for a mailed ballot received within twenty-two days of election day, the county clerk shall send either the mailed ballot or a notice of rejection to the applicant within twenty-four hours after receipt of the voter's application for a mailed ballot. [~~A mailed ballot shall be requested not later than the Thursday immediately prior to the date of the election and shall be sent to the voter not later than the Friday immediately prior to the date of the election.~~]

G. If the application for a mailed ballot from a voter who is not a federal qualified elector indicates that the mailed ballot is to be delivered to an address other than an address listed on the voter's certificate of registration, the county clerk shall prepare a notice of requested mailed ballot. The notice of requested mailed ballot shall inform the voter of the address to which the ballot was mailed along with the phone number of the county clerk's office and the internet address of the voter web portal provided by the secretary of state. The county clerk to any person other than the applicant for the ballot. Mailed ballots shall be sent to applicants beginning notice of requested mailed ballot shall be sent to the address provided

on the voter's certificate of registration on the same day the county clerk sends the mailed ballot to the address requested by the voter.

H. When an application for a mailed ballot is rejected pursuant to this section, the county clerk shall send a notice of rejection to the mailing address on the voter's certificate of registration and the address listed on the voter's application for mailed ballot, if different. The notice of rejection shall indicate the reason for the rejection and, if applicable, information on how to satisfy the rejection. If an application is rejected because it was not timely received, the county clerk shall, within twenty-four hours of receipt of the application, send a rejection notice to the voter that shall include a list of the early voting locations and election day polling places in the county.

I. The county clerk shall only accept applications for a mailed ballot made through the official web portal operated by the secretary of state or submitted on the official paper form sent to the voter by the county clerk. If a voter submits more than one application for a mailed ballot containing the same information, subsequent applications containing the same information shall not be processed."

NMC CLERKS AFFILIATE IPRA DRAFT

SECTION 1: A new Section 1-1-27 NMSA 1978 is enacted to read:

"1-1-27. [NEW MATERIAL] PUBLIC RECORDS--DISCLOSURE-- PROCEDURE.--

A. Where the Election Code provides for disclosure or nondisclosure of public records relating to elections, the provisions of the Election Code shall apply, and the provisions of the Inspection of Public Records Act shall not be applicable to the disclosure or nondisclosure.

B. For any public records relating to elections where the Election Code does not provide for disclosure or nondisclosure of the public records, the provisions of the Inspection of Public Records Act shall apply."

SECTION 2: Section 1-12-69 NMSA 1978 (being Laws 1977, 22 Chapter 222, Section 72, as amended) is repealed and a new Section 1-12-69 NMSA 1978 is enacted to read:

"1-12-69. [NEW MATERIAL] DISPOSITION OF PAPER BALLOTS AND RECORDS RELATED TO VOTING.--

A. Paper ballots marked by voters and records related to voting in any election shall be retained and preserved for the greater of:

(1) twenty-two months from the date of the election for any election in which a federal office appears on the ballot;

(2) ten months from the date of the election for all other elections; or

(3) four months following resolution of a contest or other judicial inquiry, including all appeals, for any election, precinct or polling place that is the subject of the contest or other judicial inquiry.

B. Following the retention period, paper ballots marked by voters and records related to voting retained and preserved in the county may be destroyed at a time and in a manner as determined by the county clerk; provided that the county clerk shall use one of the destruction methods approved by the state records administrator for destruction of public records. Any interested person shall be permitted to be present during the destruction of paper ballots marked by a voter and records related to voting by the county clerk. At least seven days prior to a destruction, the clerk shall post on the county website a notice of destruction of paper ballots and records related to voting and shall provide notice to the county chair of each political party participating in that election. The notice shall include information regarding the election that is the subject of the records destruction and the date, time and place where marked ballots and records related to voting will be destroyed.

C. During the retention period, the county clerk may determine that paper ballots marked by voters and physical records related to voting from an election should be retained and preserved by the state records administrator. The state records administrator shall receive for storage paper ballots marked by voters and physical records related to voting and, following the retention periods required by this section, may destroy the ballots and physical records pursuant to the procedures used by the state records administrator for destruction of public records following a retention period. The state records administrator may enter into a memorandum of understanding with the secretary of state to cover the costs of

storage through the state election fund. The county clerk shall post on the county website a notice at least seven days prior to sending ballots and physical records related to voting to the state records administrator.

D. Paper ballots marked by voters, their digitized equivalents and records related to voting are exempt from third-party inspection except as otherwise provided in the Election Code until the later of sixty days following adjournment of the state or county canvassing board for that election or sixty days following any recount, contest or other judicial inquiry for any election, precinct or polling place that is the subject of the recount, contest or judicial inquiry. Thereafter, during the retention period and prior to destruction of the ballots or records, a third-party inspection not otherwise provided for in the Election Code shall be conducted for good cause shown and upon order of the district court. When a third-party inspection is ordered, a county clerk, the clerk's agent, the state records administrator or the state records administrator's agent shall be present during the inspection to ensure that all ballots and records are properly catalogued and returned in proper order. An inspection of paper ballots marked by voters, their digitized equivalents or records related to voting shall be conducted in such a manner as to secure the secrecy of the ballot."

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Monday, September 26, 2022 10:03 AM
To: clerklist@nmclerks.org
Subject: [EXTERNAL SENDER] Re: [ClerkList] RE: Write Ins

Greetings!!

So the 2022 rules for Write-In's are as follows:

1) The programming of the tabulator will divert any ballot in which (a) the oval for the write-in is filled in; OR (b) There is something written in the space to write in the name of a declared write-in candidate, regardless of whether the vocal was filled in or not.

2) The Election Board at the polling place is to place all ballots from the write-in bin into an envelope to be delivered to the Clerk. Section 1-12-65(B)

3) Once the Clerk receives the envelope with the write-in ballots, the best practice is to: (a) transmit the envelope to the Absentee Board or another board appointed for that purpose for immediate counting of declared write-in candidate names who have been written in; OR (b) transmit to an election board appointed to assist in the canvass process for counting of declared write-in candidate names who have been written in.

3) Based on a federal court case from 2020, a declared write-in candidates name shall be counted regardless of whether the oval has been filled in or not (I agree, Keith, that why should update the instructions on the ballot, but in the end I think we have to follow what the federal judge said).

4) Also, please remember the instruction at Section 1-10-13(B): "the write-in candidate's name shall not be pre-printed on the ballot, nor displayed or otherwise provided in any polling place by any election official or member of an election board."

I hope this helps. My understanding is that the SOS will be sending out guidance consistent with the above. At the end of the day, of course, you are the elected Clerk for your County and these are your voters.

-- Daniel.

On Sep 26, 2022, 8:56 AM -0600, CJ Garrison <cj.garrison@hardingcounty.org>, wrote:

> Harding does according to what statue says and we only count what is diverted into write-in bin (and/or unless there are ballots that we have that need to be hand tallied). Unless there is a recount at end and then of course we count all ballots.
>
> Vlqfhuho| /
>
> #
>
> P v1#FM#J duulvrq

K dug lqj#Frxqw|#Fdun

S 1R 1#E r{#4335

68#S lqh#Vw1

P rvtxhur/#Q P #;::66

Hp dl:#FM1J duulvrqC kdug lqj frxqw| 1ru j

Skrqh=#8:809:6056 34

Z run#Fhoo=#8:80845 0855;

I d{=#8:809:605<55

#

Confidentiality Notice: This email, including all attachments, is for the sole use of the intended recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

LEGAL ADVICE LIMITATION: Staff in this office MAY NOT fill out forms or offer such direction to the public. NM County Employees are prohibited from giving LEGAL ADVICE. Please contact a qualified licensed attorney for legal advice regarding the appropriate language, format, and/or process for matters handled by this office.
SEARCHES: Our office is not licensed or bonded to conduct detailed real estate searches. Please contact a local Abstract or Title Company. However, on request, our office will instruct persons on how to perform real estate title searches in our office. The Harding County Clerk's Office will not assume liability for searches conducted by others. There is no charge to search records on file in this office.

From: clerklist@nmclerks.org <clerklist@nmclerks.org> **On Behalf Of** Cindy Fuller
Sent: Monday, September 26, 2022 8:53 AM
To: clerklist <clerklist@nmclerks.org>
Subject: [ClerkList] Write Ins

Good morning,

There is a state wide write in candidate who is asking for each county's procedures in counting write in votes.

Does your county go through every ballot to check for write ins?

Do you only count the ballots that have diverted into the write in bin?

Do you count a write in if the oval is not filled in?

Thank you,

Cindy Fuller

Chaves County Clerk

#1 St. Mary's Place, Suite 110

PO BOX 580

Roswell, NM 88203

575-624-6614 – Office

575-624-6523 – Fax

575-624-6680 – Direct Line

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: Clerks, NM, SOS <NM.Clerks@sos.nm.gov>
Sent: Saturday, October 22, 2022 10:10 AM
To: Hogland, Annie; Chinana, Charlotte, SOS
Subject: [EXTERNAL SENDER] Re: [EXTERNAL SENDER] [Ticket #4889] [EXTERNAL] Business Reply Mail Postage

Annie,

We will look into this immediately. Thank you for the notification.

Charles R

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, October 20, 2022 9:20 AM
To: Clerks, NM, SOS; Chinana, Charlotte, SOS
Subject: Fwd: [EXTERNAL SENDER] [Ticket #4889] [EXTERNAL] Business Reply Mail Postage

Good Morning!

Our post office allowed us to get our mail yesterday, but is telling us our annual BRM fees have not been paid. Can you please let me know if there is anything we can do to expedite the process on your end to make sure this gets paid?? We don't want them holding our election mail.

Thank you!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

---------- Forwarded message ---------
From: **NM Clerks** <nm.clerks@state.nm.us>
Date: Fri, Aug 12, 2022 at 11:21 AM
Subject: [EXTERNAL SENDER] [Ticket #4889] [EXTERNAL] Business Reply Mail Postage
To: <ahogland@currycounty.org>

Ticket was assigned to Charlotte Chinana.
On Aug 12, 2022 @ 11:21 am, Charlotte Chinana wrote:
Good morning, Annie --

I sent this over to the finance team to provide some clarity; we'll be in touch as more info becomes available. Thank you!

--

Charlotte Chinana

Deputy Elections Director

Ticket History

On Aug 12, 2022 @ 11:21 am, Charlotte Chinana wrote:
Assigned to Charlotte Chinana.

On Aug 12, 2022 @ 11:17 am, ahogland@currycounty.org wrote:
Attachment:

On Aug 12, 2022 @ 11:17 am, ahogland@currycounty.org wrote:
CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.
Good Morning,

We received the attached notice in the mail regarding the elections BRM. Can you all confirm that this has been taken care of? Or, is this something we need to pay.. We have not done so in the past, but I want to be sure we have no issues receiving elections mail through the BRM.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4889

curryelections@currycounty.org

From: S Martin <cccd4martin@gmail.com>
Sent: Monday, November 14, 2022 10:59 PM
To: Annie Hogland
Subject: [EXTERNAL SENDER] Re: [EXTERNAL SENDER] Fwd: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!

Annie

I did not receive this email. Just the one I forwarded to you yesterday.

Seth

On Mon, Nov 14, 2022 at 11:08 AM Annie Hogland <ahogland@currycounty.org> wrote:

> *Annie Hogland*
> Curry County Clerk
> 417 Gidding, Suite 130
> Clovis NM 88101
> (575) 763-5591
> (575) 763-4232 (fax)
>
> ---------- Forwarded message ---------
> From: **Tina Dixon** <tdixon@rooseveltcounty.com>
> Date: Mon, Nov 14, 2022 at 11:05 AM
> Subject: [EXTERNAL SENDER] Fwd: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!
> To: <ahogland@currycounty.org>
>
> ---------- Forwarded message ----------
> From: Dean Jackson <jacksondean87@yahoo.com>
> Date: Nov 14, 2022 9:51 AM
> Subject: Fwd: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!
> To: Tina Dixon <tdixon@rooseveltcounty.com>
> Cc:
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** Gretchen Koether <gretchenkoether@yahoo.com>
> **Date:** November 14, 2022 at 8:48:14 AM MST
> **Subject: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are**

going to be liable if they do!
Reply-To: Gretchen Koether <gretchenkoether@yahoo.com>

Coming soon to Lea County Commissioners... look for it!

Sent from Yahoo Mail on Android

Sent from Outlook

From: Annette Watson <awatson3@gmail.com>
Sent: Sunday, November 13, 2022 11:30 PM
To: Annette Watson <awatson3@gmail.com>
Subject: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!

HelloPatriots,Certif

i c a t i o n o f C u r r y ' s e l e c t i o n r e s u l t s o n a

g e n d a ! **A l l c o m m i s s i o n e r s n e e d t o k n o w ,**

certification of the vote total from manele

l e c t i o n t h a t w a s c o n d u c t e d (a n d s t i l l - n

otfullycounted)nonnon-compliantequi

p
m
e
n
t
w
i
l
l
e
x
p
o
s
e
t
h
e
c
o
m
m
i
s
s
i
o
n
e
r
c
o
l
l

e c t i v e l y a n d i n d i v i d u a l l y t o c r i m i n a l a

n d c i v i l l i a b i l i t i e s : A t t a c h e d t o t h i s e

mail...

1.) Proof the 2022 Election was

t
o
l
e
n
,
a
g
a
i
n
.
2
.
)
T
h
e
S
O
S
s
a
y
s
t
h
e
m
a
c
h
i
n

esarenotcertified,(knowingly breaki

ngthelaw.)3.)Proofthemachinesarenot

t l e g a l . **A C T I O N** F e e l f r e e t o P A S S A T T A C

HMENTS and your PERSONAL LETTER to o

urcommissioner sinNewMexico!

CALL

t

h
e
m
,
t
o
e
n
s
u
r
e
t
h
e
y
r
e
c
e
i
v
e
d
i
t
.

A
T
T
E
N
D

(
w
i
t
h
s
i
g
n
s
t
h
a
t
s
a
y
D
O
N
O
T
C
E
R
T
I
F
Y
)
t
h
e

ircanvasmeeting, in Person or Zoom (if a

v a i l a b l e) .

T h i s i s a w o r k w e e k ! I t w a s a S

tatewide

Election that was stolen from

all of us, so we must band together for

EVERYCOUNTY.

Curry County's "Regular" Commission Meeting **9am**
Tuesday, November 15th 417 Gidding Street, Clovis (Commission Chambers)

Agenda attachment 11-15 Curry... .pdf NOTE: Item VII **Request Approval of 2022 General Canvass Report**

currycounty.org

Please bring your public comment with you.😉
More Info call, County Manager Lance A. Pyle 575-763-6016

Live Meeting LINK: https://www.currycounty.org/open-government/meeting-portal

Be sure to review the....
Last Curry Commission Discussion..
http://currycountynm.iqm2.com/Citizens/Default.aspx click on 'video' for the meeting you would like to view (for finalized minutes click on 'Curry County's Meeting Minutes Page')

Next meeting: Tuesday, December 13th at 9am

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Monday, September 26, 2022 10:29 AM
To: clerklist@nmclerks.org
Subject: [EXTERNAL SENDER] RE: [External] [ClerkList] RE: Write Ins

Keith,

While the ruling was specific to the 2020 election, the factors at play have not changed and thus the force of the ruling still apples.

-- Daniel.
On Sep 26, 2022, 10:23 AM -0600, Keith Manes <kmanes@leacounty.net>, wrote:

Hey Daniel, I think the federal judge's ruling was specific to the 2020 General Election and to specific counties was it not? Keith

---

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Monday, September 26, 2022 10:03 AM
To: clerklist@nmclerks.org
Subject: Re: [External] [ClerkList] RE: Write Ins

CAUTION:** This email originated from outside of Lea County. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Greetings!!

So the 2022 rules for Write-In's are as follows:

1) The programming of the tabulator will divert any ballot in which (a) the oval for the write-in is filled in; OR (b) There is something written in the space to write in the name of a declared write-in candidate, regardless of

whether the vocal was filled in or not.

2) The Election Board at the polling place is to place all ballots from the write-in bin into an envelope to be delivered to the Clerk. Section 1-12-65(B)

3) Once the Clerk receives the envelope with the write-in ballots, the best practice is to: (a) transmit the envelope to the Absentee Board or another board appointed for that purpose for immediate counting of declared write-in

candidate names who have been written in; OR (b) transmit to an election board appointed to assist in the canvass process for counting of declared write-in candidate names who have been written in.

3) Based on a federal court case from 2020, a declared write-in candidates name shall be counted regardless of whether the oval has been filled in or not (I agree, Keith, that why should update the instructions on the ballot, but

in the end I think we have to follow what the federal judge said).

4) Also, please remember the instruction at Section 1-10-13(B): "the write-in candidate's name shall not be pre-printed on the ballot, nor displayed or otherwise provided in any polling place by any election official or member

of an election board."

I hope this helps. My understanding is that the SOS will be sending out guidance consistent with the above. At the end of the day, of course, you are the elected Clerk for your County and these are your voters.

-- Daniel.

On Sep 26, 2022, 8:56 AM -0600, CJ Garrison <cj.garrison@hardingcounty.org>, wrote:

> Harding does according to what statue says and we only count what is diverted into write-in bin (and/or unless there are ballots that we have that need to be hand tallied). Unless there is a recount at end and then of course we count all ballots.
>
> Vlqfhuho| /
>
> #
>
> P v1#FM#Jduulvrq
>
> K dug lqj#Frxqw| #Fdhun
>
> S IR 1#Er{ #4335
>
> 68#S lqh#Vw1
>
> P rvtxhur/#Q P #;::66
>
> Hp dl=#FM1Jduulvrq Ckdug lqjfrxqw| 1ruj
>
> Skrqh=#8:809:6056 34
>
> Z run#Fhoo=#8:80 8450855;
>
> Id{ =#8:809:605<55
>
> #

Confidentiality Notice: This email, including all attachments, is for the sole use of the intended recipients and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

LEGAL ADVICE LIMITATION: Staff in this office MAY NOT fill out forms or offer such direction to the public. NM County Employees are prohibited from giving LEGAL ADVICE. Please contact a qualified licensed attorney for legal advice regarding the appropriate language, format, and/or process for matters handled by this office.
SEARCHES: Our office is not licensed or bonded to conduct detailed real estate searches. Please contact a local Abstract or Title Company. However, on request, our office will instruct persons on how to perform real estate title searches in our office. The Harding County Clerk's Office will not assume liability for searches conducted by others. There is no charge to search records on file in this office.

From: clerklist@nmclerks.org <clerklist@nmclerks.org> **On Behalf Of** Cindy Fuller
Sent: Monday, September 26, 2022 8:53 AM
To: clerklist <clerklist@nmclerks.org>
Subject: [ClerkList] Write Ins

Good morning,

There is a state wide write in candidate who is asking for each county's procedures in counting write in votes.

Does your county go through every ballot to check for write ins?

Do you only count the ballots that have diverted into the write in bin?

Do you count a write in if the oval is not filled in?

Thank you,

Cindy Fuller

Chaves County Clerk

#1 St. Mary's Place, Suite 110

PO BOX 580

Roswell, NM 88203

575-624-6614 – Office

575-624-6523 – Fax

575-624-6680 – Direct Line

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Monday, August 15, 2022 2:01 PM
To: clerklist@nmclerks.org
Subject: [EXTERNAL SENDER] RE: [External] [ClerkList] Republican Affiliation Confirmation Card

Greetings!!

The mailer is a fundraising letter to raise money for the Republican entity sending out the mailer. That is why they used the word "affiliation", because they are looking for people to affiliate with the Republican Party through their dollars, but it is not the same as being a registered Republican. They try to make it look as official as possible in order to raise as much money as possible, and since they are not the ones who have to deal with the fallout from the public.

As you receive inquiries or complaints about this letter, inform folks that it is a fundraising letter and did not impact their voter registration in any way.

-- Daniel.
On Aug 15, 2022, 1:38 PM -0600, Michelle Paz <mpaz@co.socorro.nm.us>, wrote:

> We got one in Socorro so far.

From: clerklist@nmclerks.org <clerklist@nmclerks.org> **On Behalf Of** Keith Manes
Sent: Monday, August 15, 2022 1:24 PM
To: clerklist@nmclerks.org
Subject: RE: [External] [ClerkList] Republican Affiliation Confirmation Card

I know people in Lea County received them over the weekend. Keith

---

From: clerklist@nmclerks.org <clerklist@nmclerks.org> **On Behalf Of** Vivien Gurule
Sent: Monday, August 15, 2022 11:30 AM

To: clerklist@nmclerks.org
Subject: RE: [External] [ClerkList] Republican Affiliation Confirmation Card

CAUTION:** This email originated from outside of Lea County. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

We got a few here in Mora but these voters are Dem so they are alittle huffy asking when did we change them which we have not. It is very frustrating!!!!

Sent from Mail for Windows 10

Y ly ldq#Wuxmloor

P rud#Frxqw/

ER H#Fchun

From: Rayetta Trujillo
Sent: Monday, August 15, 2022 11:26 AM
To: clerklist@nmclerks.org
Subject: [External] RE: [ClerkList] Republican Affiliation Confirmation Card

We have not seen it is Colfax yet.

Rayetta

From: clerklist@nmclerks.org <clerklist@nmclerks.org> **On Behalf Of** Felicia Falcon
Sent: Friday, August 12, 2022 2:00 PM
To: ClerkList@NMClerks.org
Subject: [ClerkList] Republican Affiliation Confirmation Card

Good afternoon,

Have any of you had individuals reach out to your offices regarding a letter from the Republican Party claiming voters are registered as a Republican even if they are not?

Please see the attached.

--
Thank you,

Felicia Falcon
Chief Deputy Clerk
Guadalupe County Clerk's Office
575.472.3791
<image002.png>

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

curryelections@currycounty.org

From: OShea, Justin, SOS <Justin.OShea@state.nm.us>
Sent: Tuesday, August 30, 2022 3:21 PM
To: Hogland, Annie
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] 2022 Primary Election MOU
Attachments: 2022PEMOU_Curry (S).pdf

Here you go!

Thanks,

Justin Patrick O'Shea, MPA, CPO | Contracts & Assets Manager
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: (505) 577-0053 | Desk: (505) 827-3615
justin.oshea@state.nm.us

Follow us on Facebook + Twitter

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, August 30, 2022 3:07 PM
To: OShea, Justin, SOS <Justin.OShea@state.nm.us>
Subject: [EXTERNAL] 2022 Primary Election MOU

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

Hey Justin!

Hoping you may be able to help me out.. I have a copy of the 2022 Primary MOU, but it doesn't have the signature from docusign. I have attached the 2022 General Election MOU that does, as an example.

Is there any way you can refresh the link for the 2022 Primary Docusign email? Or, send me a pdF?

PLEASE! and of course, thank you!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

DocuSign Envelope ID: DF884720-E4BC-4A0B-9828-3CB69B3B22B5

NEW MEXICO

MEMORANDUM OF UNDERSTANDING

OFFICE OF THE SECRETARY OF STATE

AND

CURRY COUNTY

This **MEMORANDUM OF UNDERSTANDING** ("Agreement" or "MOU") is entered into by and between the Office of the Secretary of State ("Agency") and Curry County ("County"), (collectively, "the Parties") as of the last date of execution by the Parties below.

RECITALS

WHEREAS, the 2022 New Mexico Primary Election ("Election" or "Primary Election") is to be held statewide on Tuesday, June 7, 2022; and

WHEREAS, the Agency, as required under the New Mexico Election Code, is responsible to pay all costs of the Election, including reasonable costs incurred by each County Clerk; and

WHEREAS, the Agency has been appropriated funds from the New Mexico State Legislature to pay for the cost of conducting and administering the Election; and

WHEREAS, it is in the interest of both parties to provide the appropriated funds to the counties to pay the costs incurred as a result of the Election.

AGREEMENT

THEREFORE, the Parties agree that this MOU is entered into expressly and solely for the purpose of providing state appropriated funds to the counties to cover the costs of conducting and administering the Primary Election.

1. RESPONSIBILITIES

The Agency shall:

A. Issue to the County a warrant drawn on the State Treasurer in the amount of **twenty-six thousand eight hundred dollars ($26,800)** for estimated costs that the county may incur in the administration of the Election.

The County shall:

A. Use the appropriated funds in accordance with expenditures required by the New Mexico Election Code and in compliance with the reimbursable expenses outlined in Appendix A of this Agreement.
B. Provide to the Agency, no later than **June 30, 2022**, a full accounting of expenses incurred during the Election and provide to the Agency all invoices, receipts, and copies of warrants paid by the county during the cycle.
C. Return any unused funds to the Agency upon completion of election-related activity, which shall occur prior to June 30, 2022.

DocuSign Envelope ID: DF884720-E4BC-4A0B-9828-3CB69B3B22B5

2. PAYMENT

The Agency shall issue a warrant from the above-cited appropriation once this Agreement has been fully executed (signed by all required parties as listed on the signature page attached hereto).

3. PROPERTY

The parties understand and agree that property, if any, acquired as a result of this Agreement shall be the property of the County.

4. TERM

This Agreement shall become effective upon the final signature affixed to this Agreement, or as soon thereafter as approved by the respective parties, and shall remain in effect until **June 30, 2022**, unless terminated pursuant to Article 7.

A. All work is expected to be complete on or before June 7, 2022; in no case shall work extend beyond June 30, 2022.
B. If any funds remain after the completion of the work contemplated under this Agreement, such funds must be returned to the Agency prior to June 30, 2022.

5. FUNDS ACCOUNTABILITY

The County shall maintain fiscal records, follow Generally Accepted Accounting Principles (GAAP), and account for all receipts and disbursements of funds transferred to the County pursuant to this Agreement.

6. LIABILITY

Each party shall be solely responsible for fiscal or other sanctions occasioned as a result of its own violation, or alleged violation, of requirements applicable to the performance of the Agreement. Each party shall be liable for its actions in accordance with this Agreement.

7. TERMINATION

Either party may terminate this Agreement for cause or convenience by giving notice in writing to the other party within thirty (30) days of termination.

8. AMENDMENT

Any amendments shall be made in writing and shall be agreed to and executed by the respective signatories before becoming effective.

9. CONTACTS

The parties will send written notice when needed to the following individuals:

To the Agency: Mandy Vigil
Elections Director
New Mexico Office of the Secretary of State

DocuSign Envelope ID: DF884720-E4BC-4A0B-9828-3CB69B3B22B5

325 Don Gaspar Ave, Suite 300
Santa Fe, NM 87501
mandy.vigil@state.nm.us
505.827.3617

To the County:

Annie Hogland
Curry County Clerk
Curry County
PO Box 159
Raton, New Mexico 87740
ahogland@currycounty.org
575.445.5551

The remainder of this page intentionally left blank.

DocuSign Envelope ID: DF884720-E4BC-4A0B-9828-3CB69B3B22B5

In witness whereof, this Agreement is duly executed upon the date of the last signature affixed and dated:

DocuSigned by:
Maggie Toulouse Oliver
4229451BB5AB465...

05/13/2022 | 7:19 AM PDT

Maggie Toulouse Oliver, Secretary of State
Office of the Secretary of State

Date

DocuSigned by:
Dylan Lange
91CAAD7F73EB4FB...

05/12/2022 | 1:03 PM PDT

Dylan Lange, General Counsel
Office of the Secretary of State

Date

DocuSigned by:
Annie Hogland
87CB9AA22A194FD...

05/12/2022 | 12:34 PM PDT

Annie Hogland, County Clerk
County of Curry

Date

DocuSigned by:
Chet Spear
D5B5D46E5F18465...

04/25/2022 | 11:34 AM PDT

Chet Spear, Chairman
County of Curry

Date

DocuSign Envelope ID: DF884720-E4BC-4A0B-9828-3CB69B3B22B5

APPENDIX A

DESCRIPTION	STATUTORY REQUIREMENT	RELEVANT STATUTE(S)	REASONABLY INCLUDES:
Poll Workers (Election Boards; Absentee, Early and Election Day)	Each election board shall consist of a minimum of three judges (required); one presiding judge and two election judges. Election clerks can also be appointed to assist the presiding judge and election judges.	1-2-12 & 1-9-5(C), NMSA 1978	For all polling locations, no fewer than three judges are required to administer the election. In the case of Voter Convenience Centers (VCCs), a minimum of two ballot-on-demand stations are required per site; counties will need to plan accordingly to ensure adequate staffing to operate these systems.
Registration Officers (Same Day Registration)	During a statewide the county clerk's office or alternate voting location if the clerk has assigned an authorized deputy to serve as a registration officer at the alternate voting location.	1-4-5.7(C)(D), NMSA 1978	The cost of one authorized registration officer, per polling location (that is offering SDR), per day.
Interpreters	In those polling places designated by the secretary of state as being subject to the provisions of the 1975 amendments to the federal Voting Rights Act of 1965, oral assistance shall be made available to assist language minority voters who cannot read sufficiently well to exercise the elective franchise. As used in the Election Code, "language minority" means a person who is an American Indian or of Spanish heritage and "inability to read well enough to exercise the elective franchise" means inability to read the languages in which the ballot is printed or the inability to understand instructions for operating the voting machine.	1-2-19, NMSA 1978	Assisting voters who speak a language that is unwritten; precincts identified as "Native American Precincts" through the Native American Election Information Program.
Messengers	The county clerk may appoint messengers to deliver ballot boxes, poll books, keys, election supplies and other materials pertaining to the election. Messengers may also be authorized to collect absentee ballots and removable media storage devices from polling places designated by the county clerk. and deliver them to locations.	1-2-20, NMSA 1978	Individuals appointed by the clerk to serve as messengers, who comply with the requirements outlined in 1-2-20.
Election Publications	Election board standby list: Not less than twenty-one days prior to the date for appointing members of election boards, the county clerk shall publish a notice once in a newspaper of general circulation to the effect that election boards are to be appointed for the specified number of precincts, stating the number of persons composing each board and that applications for the standby list will be accepted at the county clerk's office. Notice of election: The notice of election shall be published at least once, not more than twenty-one nor less than seven days before election day. The notice of election shall be published in a legal newspaper as provided in Section 14 11 2, NMSA 1978. If no legal newspaper is published in the county, the notice of election shall be published in a	1-2-9 & 1-11-3(A), NMSA 1978	Publication of the election board standby list and notice of election.

DocuSign Envelope ID: DF884720-E4BC-4A0B-9828-3CB69B3B22B5

	legal newspaper of general circulation in the county. The notice of election shall be printed in English and Spanish. The notice of election shall be broadcast on a radio station in the appropriate Native American languages in those counties affected by the federal Voting Rights Act of 1965, as amended.		
Postage	The Secretary of State shall deposit sufficient funds in the business reply mail account for each county clerk to ensure delivery of all mailed ballot applications and returned mailed ballots.	1-6-8(A)(2); 1-6B-5(E)(2); & 1-6C-6(D), NMSA 1978	Postage for absentee ballots (outbound) and returned mail ballots (inbound).
Tabulator Delivery	The county clerk shall be responsible for transporting all voting systems to and from polling places. A reasonable fee may be charged by the county for the transportation and programming of the voting systems when used pursuant to Section 1 9 6, NMSA 1978, but in no case shall such fee exceed the actual cost to the county. Voting machines shall be delivered to the assigned precinct polling place at least three days before the polls are required to be opened. The election supplies and the keys of voting machines shall be delivered to the presiding judge at least one hour before the polls are required to be opened.	1-9-12(A)(E) & 1-11-11(A), NMSA 1978	Transport of voting systems to and from polling locations.
Office Supplies (for the Election)	Supplies needed for the administration of the election.	1-11-19(A)(2), NMSA 1978	Consumable office supplies required to conduct the election and post-election canvass including paper, ballot marking pens, pencils, paperclips, staples etc.
"Other"	N/A	N/A	Temporary election support staff ***or*** OT for county employees, provided the OT is incurred during the conduct and administration of the election.

Table 1: Schedule of Cost Eligibility

DocuSign

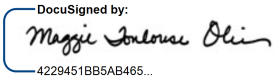
Certificate Of Completion

Envelope Id: DF884720E4BC4A0B98283CB69B3B22B5
Status: Completed
Subject: Please DocuSign: 2022PEMOU_Curry.pdf
Source Envelope:
Document Pages: 6
Signatures: 4
Envelope Originator:
Certificate Pages: 5
Initials: 0
Justin OShea
AutoNav: Enabled
715 Alta Vista St
EnvelopeId Stamping: Enabled
Santa Fe, NM 87501
Time Zone: (UTC-08:00) Pacific Time (US & Canada)
Justin.OShea@state.nm.us
IP Address: 73.228.23.240

Record Tracking

Status: Original
4/20/2022 2:10:49 PM
Holder: Justin OShea
Justin.OShea@state.nm.us
Location: DocuSign
Security Appliance Status: Connected
Pool: StateLocal
Storage Appliance Status: Connected
Pool: Secretary of State
Location: DocuSign

Signer Events	Signature	Timestamp
Annie Hogland ahogland@currycounty.org Security Level: Email, Account Authentication (None)	DocuSigned by: Annie Hogland 87CB9AA22A194FD... Signature Adoption: Pre-selected Style Signed by link sent to ahogland@currycounty.org Using IP Address: 68.66.82.205	Sent: 4/20/2022 2:16:54 PM Resent: 5/12/2022 12:21:39 PM Viewed: 5/12/2022 12:34:07 PM Signed: 5/12/2022 12:34:18 PM
Electronic Record and Signature Disclosure: Accepted: 5/12/2022 12:34:07 PM ID: 686f1b01-d58a-4937-b303-93edf126a1d0		
Chet Spear cspear@currycounty.org Security Level: Email, Account Authentication (None)	DocuSigned by: Chet Spear D5B5D46E5F18465... Signature Adoption: Pre-selected Style Signed by link sent to cspear@currycounty.org Using IP Address: 67.209.205.92	Sent: 4/20/2022 2:16:54 PM Viewed: 4/25/2022 11:34:05 AM Signed: 4/25/2022 11:34:52 AM
Electronic Record and Signature Disclosure: Accepted: 4/25/2022 11:34:05 AM ID: 132b7944-178d-4257-a631-2ea949a28a3d		
Dylan Lange Dylan.Lange@state.nm.us SOS Security Level: Email, Account Authentication (None)	DocuSigned by: Dylan Lange 91CAAD7F73EB4FB... Signature Adoption: Pre-selected Style Signed by link sent to Dylan.Lange@state.nm.us Using IP Address: 164.64.217.14	Sent: 5/12/2022 12:34:19 PM Viewed: 5/12/2022 1:03:16 PM Signed: 5/12/2022 1:03:26 PM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		

Signer Events	Signature	Timestamp
Maggie Toulouse-Oliver theresa.romero@state.nm.us Secretary of State Security Level: Email, Account Authentication (None)	DocuSigned by:  4229451BB5AB465...	Sent: 5/12/2022 1:03:28 PM Viewed: 5/13/2022 7:19:25 AM Signed: 5/13/2022 7:19:32 AM
	Signature Adoption: Uploaded Signature Image Signed by link sent to theresa.romero@state.nm.us Using IP Address: 73.26.214.172	

Electronic Record and Signature Disclosure:
Accepted: 4/4/2022 7:07:50 AM
ID: 3727ec8b-93c8-4a7d-9da2-ff54607d4efd

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	4/20/2022 2:16:54 PM
Certified Delivered	Security Checked	5/13/2022 7:19:25 AM
Signing Complete	Security Checked	5/13/2022 7:19:32 AM
Completed	Security Checked	5/13/2022 7:19:32 AM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Secretary of State (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Secretary of State:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: daniel.garcia5@state.nm.us

To advise Secretary of State of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at daniel.garcia5@state.nm.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Secretary of State

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to daniel.garcia5@state.nm.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Secretary of State

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to daniel.garcia5@state.nm.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Secretary of State as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Secretary of State during the course of your relationship with Secretary of State.

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Friday, November 4, 2022 11:51 AM
To: Saavedra, Betty
Cc: SOS-33 County Clerks
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] E-mails

Sorry to the other county clerks. I was doing research on Betty's issue. Didn't mean to actually include everyone on the email.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Romero, Charles, SOS
Sent: Friday, November 4, 2022 11:45 AM
To: Saavedra, Betty <bsaavedra@co.socorro.nm.us>
Cc: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>
Subject: RE: [EXTERNAL] E-mails

Betty,

I have confirmed that all 3 emails are on this distribution list (SOS-33CountyClerks@state.nm.us). However after looking at the meeting invite. It looks like that main invite didn't include the this distribution which is for the Clerk and deputies. The County Clerk Group email contains support staff. Sorry for the oversight, I will tell the team one of the distributions email was forgotten.

-----Original Appointment-----
From: ToulouseOliver, Maggie, SOS <Maggie.TOliver@sos.nm.gov>
Sent: Wednesday, November 2, 2022 4:15 PM
To: ToulouseOliver, Maggie, SOS; ToulouseOliver, Maggie, SOS; SOS-County Clerks Group; ddavoust@robis.net; emarquez@electionpeople.com; francisco.pad
Cc: Sandoval, Carrie; rserrano@guadco.us; Mitchell S. Cox; Martinez, Victoria; Marlene Custer; Janice Giron; Denise Salcido; Casey Higgins; Michele L. Jordan;
Subject: Pre Election Planning Check in/Guidance Q&A
When: Friday, November 4, 2022 10:30 AM-11:00 AM (UTC-07:00) Mountain Time (US & Canada).
Where: Microsoft Teams Meeting

This is an opportunity to ask questions of our office ahead of the election.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Romero, Charles, SOS
Sent: Friday, November 4, 2022 11:37 AM
To: Betty Saavedra <bsaavedra@co.socorro.nm.us>
Subject: RE: [EXTERNAL] E-mails

I need to contact our state IT about this. They control our distribution list. Let me see who the meeting went to

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Betty Saavedra <bsaavedra@co.socorro.nm.us>
Sent: Friday, November 4, 2022 11:13 AM
To: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Subject: [EXTERNAL] E-mails

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

Mr. Charles,
For whatever reason myself and my Chief Deputy are not receiving e-mails from the SOS-County Clerks. Our bureau of elections Administrator has been receiving them, which she can be included. Who do I contact to makes sure we are on the list? I did send an e-mail previously to Julian who sends out absentee reports . We are currently getting those e-mails but we hadn't received the e-mail for today's meeting at 10:30 with Mandy?

bsaavedra@co.socorro.nm.us
mpaz@co.socorro.nm.us
earmijo@co.socorro.nm.us

These should be on list. Thanks!!

Kdyh#Ph#j uhdw#zhmdqg=3,#
Ehw| #Vddyhgud#

Vrfuur#Frxqw|#Fdun#
SR#Er{##
Vrfuur/#Qhz#Ph{lfr#:;34#
#
Riilfh##8:8,#6803756#h{w#5838#
Id{=##8:8,#6804376#
evddyhgudCfr1vrfuur1qp1xv#
#

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Tuesday, October 11, 2022 5:25 PM
To: Hogland, Annie; Clerks, NM, SOS
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] Local Election / Municipalities

Hi Annie –

Thank you for taking the time to reach out. As the election code currently reflects, the statutory deadline for municipalities to opt-in/file their ordinance with the SOS is June 30, 2023 (I say "currently" – as there is the upcoming legislative session that could potentially change things). We don't have updated literature quite yet, but we do have some info from the last round that we can send. I'll note this for a member of the team to follow-up on this week. Thank you!

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Annie Hogland <ahogland@currycounty.org>
Sent: Friday, October 7, 2022 12:20 PM
To: Clerks, NM, SOS <NM.Clerks@sos.nm.gov>
Subject: [EXTERNAL] Local Election / Municipalities

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

Good Morning,

I know we are in the middle of an election.... but I have an opt-out municipality requesting more info on the RLE... I let them know I would reach out as far as the deadline to adopt and file an ordinance with your office, so if you can please let me know, that would be great!

Also, if you have any literature on that (current or previous) to share, we would appreciate it!

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Tuesday, November 22, 2022 10:36 AM
To: Cindy Fuller; SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; francisco.padilla@dominionvoting.com; Rick Sandoval; Ban Trinh
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] RE: 2022 Post Election Machine Check

Good morning,

We did get started about 10 mins late. The link on the website is correct. I believe everyone is able to access at this time.

Thanks,
Mandy

From: Cindy Fuller <cindy.fuller@chavescounty.gov>
Sent: Tuesday, November 22, 2022 10:10 AM
To: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; francisco.padilla@dominionvoting.com; Rick Sandoval <rick@zlscpa.com>; Ban Trinh <ban@zlscpa.com>
Subject: [EXTERNAL] RE: 2022 Post Election Machine Check

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

Good morning,
Is anyone able to view the webcast?

Cindy Fuller
Chaves County Clerk
#1 St. Mary's Place, Suite 110
PO BOX 580
Roswell, NM 88203
575-624-6614 – Office
575-624-6523 – Fax
575-624-6680 – Direct Line

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Sunday, November 20, 2022 4:21 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; francisco.padilla@dominionvoting.com; Rick Sandoval <rick@zlscpa.com>; Ban Trinh <ban@zlscpa.com>
Subject: 2022 Post Election Machine Check

Dear Clerks,

As you are aware, our state requires that a post-election voting system check take place after each general election. The post-election audit uses a statistical method to check the accuracy of the vote tabulators used during the general election by comparing a hand count of select precincts to the machine tabulated results. The number of voting precincts to be checked is based on the formula set out in 1-14-13.2, NMSA 1978, for federal offices, and statewide elective offices when the winning candidate won by the smallest percentage margin of all candidates for statewide offices in NM.

The random selection of voting precincts to be audited will occur this Tuesday, November 22, 2022, at 10:00 a.m. and will be conducted by an independent accounting firm, Zlotnick & Sandoval, PC. The selection process is public and interested parties may attend in person at the NM State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, NM 87501 – Room 321 or via webcast.

The auditor will notify county clerks of precincts selected to be included in the voting system check via email on November 28, 2022. This notice starts the statutory clock for county offices to complete the machine check. ***Please note,*** participating counties must post notice 3 days in advance of the machine check tasks being conducted and results must be reported back to the auditor within 10 days of receiving notice (December 8). If the precincts are included in a recount, the county clerk shall report the results of the audit within 10 days after the conclusion of the recount.

While we don't know which counties will participate in the post-election audit, our office recommends that each county review the above-referenced statute, along with 1.10.23 NMAC. Formal procedures will be forthcoming. In the meantime, please contact our office if you have any questions. I have also included a calendar planning document for your reference. Please reach out with any questions.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045 | mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

Please note new email address.

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Thursday, September 1, 2022 12:28 PM
To: Vigil, Mandy, SOS; Dominguez, Ernestina; SOS-County Clerks Group; SOS-33 County Clerks
Cc: SOS-Leadership; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] RE: Conforming Proclamation _ 2022 General Election
Attachments: Revised_withcert.pdf; 2022 General Election Proclamation _Conforming Proclamation _ ENGLISH.docx; 2022 General Election Proclamation _Conforming Proclamation _ SPANISH.docx

Good afternoon,

Attached is the updated conforming proclamation. Thank you!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Wednesday, August 31, 2022 3:14 PM
To: Dominguez, Ernestina <eydominguez@sandovalcountynm.gov>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: RE: [EXTERNAL] RE: Conforming Proclamation _ 2022 General Election

Hi Tina,

Thank you for brining this to our attention. This is a typographical error. The information referring to HB 68 in my July 13th letter is correct. We have revised the document and will provided an updated proclamation tomorrow.

Thank you,
Mandy

From: Ernestina Dominguez <eydominguez@sandovalcountynm.gov>
Sent: Wednesday, August 31, 2022 7:41 AM
To: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: [EXTERNAL] RE: Conforming Proclamation _ 2022 General Election

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

Good morning Mandy,

In the letter that was emailed to us on July 13, 2022 regarding the Judicial Vacancies you refer to HB 68, but in the Proclamation you have HB 86… which is the correct one?

Respectfully,

Tina

Tina Dominguez
Bureau of Elections Manager

Office of the Clerk
Phone: 505-867-7577
Mobile: 505-403-7765
Email: eydominguez@sandovalcountynm.gov

1500 Idalia Road Building D
PO Box 40
Bernalillo, NM 87004

https://www.sandovalcountynm.gov/elected-officials/county-clerk/

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Tuesday, August 30, 2022 3:54 PM
To: SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: FW: Conforming Proclamation _ 2022 General Election

This Message has originated outside your organization.

Good Afternoon County Clerks,

In accordance with 1-8-13, the secretary of state shall conform the proclamation to the intent of the law with respect to newly created offices for which each political party shall nominate candidates. Attached to this email you will find the Conforming Proclamation in English and Spanish for the newly created judgeships that were created during the 2022 legislative session in House Bill 86. Our office has included editable word documents for those Proclamations for your reference. Please post these items to your county clerk website pursuant to state law. Please contact nmclerks@state.nm.us should you have any questions.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

STATE OF NEW MEXICO EXECUTIVE OFFICE SANTA FE, NEW MEXICO

Revised Conforming Proclamation

GENERAL ELECTION PROCLAMATION

Pursuant to NMSA 1978, § 1-8-13(B) (1969, as amended through 2021), I, Maggie Toulouse Oliver, Secretary of State, of the State of New Mexico, by virtue of the authority vested in me, do hereby conform the January 31st, 2022, General Election Proclamation to the intent of the law with respect to the offices for which each political party shall nominate candidates as follows:

STATE, DISTRICT, AND METROPOLITAN OFFICES

THREE JUDICIAL DISTRICT JUDGES

2nd Judicial District Judge, Div. 30	**NEW JUDGESHIP**
5th Judicial District Judge, Div. 12	**NEW JUDGESHIP**
13th Judicial District Judge, Div. 9	**NEW JUDGESHIP**

House Bill 68, Chapter 56, was passed and signed into law during the 2022 Legislative Session creating new judgeships. The effective date of these new judgeships is July 1, 2022.

GENERAL ELECTION FILING DEADLINES:

Appointments to fill vacancies in the list of a party's nominees shall be made and filed with the proper filing officer using a form approved by the secretary of state by September 6, 2022, by 5:00 p.m., along with a declaration of candidacy subscribed and sworn by the selected nominee and the required form for candidates pursuant to the Campaign Reporting Act [Section 1-19-25 to 1-19-36 NMSA 1978].

SIGNED AT THE EXECUTIVE OFFICE THIS 1st DAY OF SEPTEMBER 2022

WITNESS MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO

ATTEST:

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

SHARON PINO
DEPUTY SECRATRY OF STATE

ESTADO DE NUEVO MÉXICO OFICINA EJECUTIVO SANTA FE, NUEVO MÉXICO

Proclamación de Ajuste Revisado

PROCLAMACIÓN DE LA ELECCIÓN GENERAL

Conforme a NMSA 1978, § 1-8-13(B) (1969, enmendada hasta el 2021), Yo, Maggie Toulouse Oliver, Secretaria de Estado del Estado de Nuevo México, en virtud de la autoridad otorgada en mí, por la presente ajusto la Proclamación de la Elección General del 31 de enero de 2022 para cumplir con la intención de la ley sobre los cargos al que cada partido político nominará candidatos como sigue:

CARGOS ESTATALES, DISTRITANOS, Y METROPOLITANOS

TRES JUECES DE DISTRITO JUDICIAL

Juez del 2º Distrito Judicial, División 30	**JUDICATURA NUEVA**
Juez del 5º Distrito Judicial, División 12	**JUDICATURA NUEVA**
Juez del 13er Distrito Judicial, División 9	**JUDICATURA NUEVA**

El proyecto de ley 68, capítulo 56 de la Cámara de Representantes, fue aprobado durante la Sesión Legislativa del 2022, creando judicaturas nuevas. La fecha efectiva de estas judicaturas nuevas es el día 1 de julio del 2022.

PLAZO LÍMITE DE PRESENTACIÓN DE LA ELECCIÓN GENERAL:

Designaciones para llenar vacantes en la lista de nominaciones del partido se presentarán al oficial apropiado en la forma aprobada por la secretaria de estado antes del 6 de septiembre del 2022 a las 5:00 p.m., junto con una declaración de candidatura firmada y jurada por el candidato designado y el formulario requerido para candidatos conforme al La Ley de Reportes Financieros de Campañas [Secciones 1-19-25 a 1-19-36 NMSA 1978].

EXPEDIDA EN LA OFICINA EJECUTIVA ESTE DÍA 1 DE SEPTIEMBRE DEL 2022

TESTIGO MI MANO Y EL GRAN SELLO DEL ESTADO DE NUEVO MÉXICO

ATESTIGUA:

MAGGIE TOULOUSE OLIVER
SECRETARIA DE ESTADO

SHARON PINO
SUBSECRETARIA DE ESTADO

STATE OF NEW MEXICO

CERTIFICATE

I, MAGGIE TOULOUSE OLIVER, SECRETARY OF STATE FOR NEW MEXICO, DO HEREBY CERTIFY

that

the attached is a true and correct reproduction of **The Office of the New Mexico Secretary of State's 2022 Revised General Election Conforming Proclamation in English and Spanish,** as filed in the Office of the Secretary of State, on September 1st, 2022.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO, IN THE CITY OF SANTA FE, THE CAPITAL, ON THIS 1st DAY OF September, 2022.

SECRETARY OF STATE

STATE OF NEW MEXICO **EXECUTIVE OFFICE** SANTA FE, NEW MEXICO

Revised Conforming Proclamation

GENERAL ELECTION PROCLAMATION

Pursuant to NMSA 1978, § 1-8-13(B) (1969, as amended through 2021), I, Maggie Toulouse Oliver, Secretary of State, of the State of New Mexico, by virtue of the authority vested in me, do hereby conform the January 31st, 2022, General Election Proclamation to the intent of the law with respect to the offices for which each political party shall nominate candidates as follows:

STATE, DISTRICT, AND METROPOLITAN OFFICES

THREE JUDICIAL DISTRICT JUDGES

2nd Judicial District Judge, Div. 30	**NEW JUDGESHIP**
5th Judicial District Judge, Div. 12	**NEW JUDGESHIP**
13th Judicial District Judge, Div. 9	**NEW JUDGESHIP**

House Bill 68, Chapter 56, was passed and signed into law during the 2022 Legislative Session creating new judgeships. The effective date of these new judgeships is July 1, 2022.

GENERAL ELECTION FILING DEADLINES:

Appointments to fill vacancies in the list of a party's nominees shall be made and filed with the proper filing officer using a form approved by the secretary of state by September 6, 2022, by 5:00 p.m., along with a declaration of candidacy subscribed and sworn by the selected nominee and the required form for candidates pursuant to the Campaign Reporting Act [Section 1-19-25 to 1-19-36 NMSA 1978].

SIGNED AT THE EXECUTIVE OFFICE THIS 1st DAY OF SEPTEMBER 2022

WITNESS MY HAND AND THE GREAT SEAL OF THE STATE OF NEW MEXICO

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

ATTEST:

SHARON PINO
DEPUTY SECRATRY OF STATE

SEAL OF THE STATE OF NEW MEXICO 1912

ESTADO DE NUEVO MÉXICO **OFICINA EJECUTIVO** SANTA FE, NUEVO MÉXICO

Proclamación de Ajuste Revisado

PROCLAMACIÓN DE LA ELECCIÓN GENERAL

Conforme a NMSA 1978, § 1-8-13(B) (1969, enmendada hasta el 2021), Yo, Maggie Toulouse Oliver, Secretaria de Estado del Estado de Nuevo México, en virtud de la autoridad otorgada en mí, por la presente ajusto la Proclamación de la Elección General del 31 de enero de 2022 para cumplir con la intención de la ley sobre los cargos al que cada partido político nominará candidatos como sigue:

CARGOS ESTATALES, DISTRITANOS, Y METROPOLITANOS

TRES JUECES DE DISTRITO JUDICIAL

Juez del 2° Distrito Judicial, División 30	**JUDICATURA NUEVA**
Juez del 5° Distrito Judicial, División 12	**JUDICATURA NUEVA**
Juez del 13er Distrito Judicial, División 9	**JUDICATURA NUEVA**

El proyecto de ley 68, capítulo 56 de la Cámara de Representantes, fue aprobado durante la Sesión Legislativa del 2022, creando judicaturas nuevas. La fecha efectiva de estas judicaturas nuevas es el día 1 de julio del 2022.

PLAZO LÍMITE DE PRESENTACIÓN DE LA ELECCIÓN GENERAL:

Designaciones para llenar vacantes en la lista de nominaciones del partido se presentarán al oficial apropiado en la forma aprobada por la secretaria de estado antes del 6 de septiembre del 2022 a las 5:00 p.m., junto con una declaración de candidatura firmada y jurada por el candidato designado y el formulario requerido para candidatos conforme al La Ley de Reportes Financieros de Campañas [Secciones 1-19-25 a 1-19-36 NMSA 1978].

EXPEDIDA EN LA OFICINA EJECUTIVA ESTE DÍA 1 DE SEPTIEMBRE DEL 2022

TESTIGO MI MANO Y EL GRAN SELLO DEL ESTADO DE NUEVO MÉXICO

ATESTIGUA:

Maggie Toulouse Oliver

MAGGIE TOULOUSE OLIVER
SECRETARIA DE ESTADO

SHARON PINO
SUBSECRETARIA DE ESTADO

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Wednesday, August 31, 2022 3:14 PM
To: Dominguez, Ernestina; SOS-County Clerks Group; SOS-33 County Clerks
Cc: SOS-Leadership; SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] RE: Conforming Proclamation _ 2022 General Election

Hi Tina,

Thank you for brining this to our attention. This is a typographical error. The information referring to HB 68 in my July 13th letter is correct. We have revised the document and will provided an updated proclamation tomorrow.

Thank you,
Mandy

From: Ernestina Dominguez <eydominguez@sandovalcountynm.gov>
Sent: Wednesday, August 31, 2022 7:41 AM
To: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: [EXTERNAL] RE: Conforming Proclamation _ 2022 General Election

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

Good morning Mandy,

In the letter that was emailed to us on July 13, 2022 regarding the Judicial Vacancies you refer to HB 68, but in the Proclamation you have HB 86… which is the correct one?

Respectfully,

Tina

Wlqd#Grp lqjxh}#
Exuhdx#ri#Hdnfwdrqv#P dqdjhu#
#
R iilfh#ri#wkh#Fdhun#
Skrqh=#8380;9:0:8::##
P reln=#83807360::98#
Hp dl=#h|qrp lqjxh}Cvdqqrydofrxqw|qp 1jry#
#
4833#Hgdd1#Urdg#Exlgqj#G#
SR #Er{#73#
Ehuqddor/#Q P #;:337#
#
kwws=22z z z 1vdqqrydofrxqw|qp 1jry2hdnfwhq0
riilfldo2frxqw|0fdhun2#

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Tuesday, August 30, 2022 3:54 PM
To: SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: FW: Conforming Proclamation _ 2022 General Election

This Message has originated outside your organization.

Good Afternoon County Clerks,

In accordance with 1-8-13, the secretary of state shall conform the proclamation to the intent of the law with respect to newly created offices for which each political party shall nominate candidates. Attached to this email you will find the Conforming Proclamation in English and Spanish for the newly created judgeships that were created during the 2022 legislative session in House Bill 86. Our office has included editable word documents for those Proclamations for your reference. Please post these items to your county clerk website pursuant to state law. Please contact nmclerks@state.nm.us should you have any questions.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Monday, August 29, 2022 12:52 PM
To: Cindy Fuller; Romero, Charles, SOS; SOS-33 County Clerks; SOS-County Clerks Group
Cc: Chinana, Charlotte, SOS; Lamb, William, SOS; Valdez, Felecia, SOS; Casey Higgins; Stephanie Eldridge; Williams, Travis; Rockstroh, Gregory, SOS; Frostad, Naomba, SOS
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] RE: NVRA Mailer (2022)

Hi Cindy,

No this does not negate the validity. The SOS is charged with establishing a program to ensure we meet the statutory requirements. We have accomplished this. The items included and shared with the intention of providing awareness internally for administrators was simply an identification of administrative items that can improve this process.

Please let me know if you have further questions.

Best,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

From: Cindy Fuller <cindy.fuller@chavescounty.gov>
Sent: Monday, August 29, 2022 10:52 AM
To: Romero, Charles, SOS <Charles.Romero@state.nm.us>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>; Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>; Lamb, William, SOS <William.Lamb1@state.nm.us>; Valdez, Felecia, SOS <Felecia.Valdez@state.nm.us>; Casey Higgins <casey.higgins@chavescounty.gov>; Stephanie Eldridge <stephanie.eldridge@chavescounty.gov>; Williams, Travis <travis.williams@chavescounty.gov>
Subject: [EXTERNAL] RE: NVRA Mailer (2022)

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

Good morning,
In light of the information below, does this in any way negate the validity of the NVRA cards that were sent out? We were asked this question last week by a registered voter.
Thank you,

Cindy Fuller
Chaves County Clerk
#1 St. Mary's Place, Suite 110
PO BOX 580
Roswell, NM 88203
575-624-6614 – Office
575-624-6523 – Fax
575-624-6680 – Direct Line

From: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Sent: Wednesday, August 24, 2022 2:37 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>; Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>; Lamb, William, SOS <William.Lamb1@state.nm.us>; Valdez, Felecia, SOS <Felecia.Valdez@state.nm.us>
Subject: NVRA Mailer (2022)

Good Afternoon County Clerks,

In accordance with Federal and State laws, our office recently completed the NVRA process. All mailers have been sent to the voters identified in accordance with 1-4-28. During the process we identified certain criteria for voters to be flagged in the process. Unfortunately, despite our best efforts the criteria did not fully execute as expected. To be more specific, we have identified the following issues:

- There were voters with an FQE status for the Primary Election that were marked as inactive and correctly sent a mailer. The process; however, was found to affect their application status. We were able to revert those voters back to FQE status and their application status has been restored for the General Election in accordance with state law.
- There were also some voters who were picked up by the NCOA matching process and put on the mailing list but should not have been. In this case, the NCOA record was older than their most recent voter registration. We are working with the vendor to determine the scope of this problem and see if there are any corrections we can make in bulk. In addition, we are working with the vendor to correct this bug for future NVRA mailers.
- Lastly, some voters who were flagged and added to the NVRA mailer list were included more than once and they are receiving duplicate notices. We are researching the underlying cause of this issue and will be correcting it for future NVRA mailers as well.

Our office wanted to make you all aware of these issues to help prepare for any possible constituent calls/inquiries. Our team is currently working with IT and the vendor to resolve any discrepancies that came about from this process, and we

will relay any updates or solutions as they become available. We apologize for any constituent issues that result. As always, please let us know if there are any questions.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@state.nm.us

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Sent: Friday, September 16, 2022 4:28 PM
To: Clark, Katharine; Vigil, Mandy, SOS; SOS-33 County Clerks; SOS-County Clerks Group
Cc: SOS-Bureau of Elections; francisco.padilla@dominionvoting.com; Cathi Smothers; Ernie Marquez; Enrique Baca; David Davoust; Aaron Davis, Robis; Lamb, William, SOS
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] RE: Statewide Ballot Content Updates

Madam Clerk Clark,

Thank you for notifying us and combing through the constitutional amendments and bond questions. I will research this item with the SOS team and will provide an update to everyone with our findings.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@state.nm.us

From: Katharine E. Clark <kclark@santafecountynm.gov>
Sent: Friday, September 16, 2022 3:57 PM
To: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; francisco.padilla@dominionvoting.com; Cathi Smothers <cathi.smothers@dominionvoting.com>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Lamb, William, SOS <William.Lamb1@state.nm.us>
Subject: [EXTERNAL] RE: Statewide Ballot Content Updates

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

Hi Mandy,
So far in proofing our ballots we've noticed that HJR1 AKA constitutional amendment 2 has an extra comma as compared to the final title of the bill passed at the legislature. There is a comma after "wasterwater," in the language sent from Dominion where the final language does not have a comma between "wastewater" and "and".

Thank you.

Katharine E. Clark
County Clerk
Santa Fe County, New Mexico

505.986.6280 Office
505.490.3514 Mobile

100 Catron Street/PO Box 1985
Santa Fe, New Mexico 87501

From: Vigil, Mandy, SOS [mailto:Mandy.Vigil@state.nm.us]
Sent: Friday, September 16, 2022 3:14 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; francisco.padilla@dominionvoting.com; Cathi Smothers <cathi.smothers@dominionvoting.com>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Lamb, William, SOS <William.Lamb1@state.nm.us>
Subject: Statewide Ballot Content Updates
Importance: High

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon,

I want to bring to your attention the updates on statewide ballot content to ensure we are all on the same page as you complete the ballot proofing process.

- **Candidate Challenge** Re: Jeremy Michael Gay for Attorney General: The court ruled this afternoon, and the candidate will remain on the ballot
- **Statewide Judicial Retention Question**: Re: Supreme Court Justice: "Position 1" text has been removed from this question.
- **Statewide Bond Questions**: We have followed the legislative language that numbers the question, i.e., Bond Question 1. This is different from past elections that included a letter to identify each question, i.e., Bond Question A.
    - This is determined by the legislature

Please reach out with any questions. Have a great weekend!

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Wednesday, October 19, 2022 9:40 AM
To: Cindy Fuller; SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Bureau of Elections; SOS-Leadership; Lamb, William, SOS; Aaron Davis, Robis; David Davoust; Ernie Marquez, AES; Adrian Leyva; Enrique Baca; Francisco Padilla
Subject: [EXTERNAL SENDER] RE: [EXTERNAL] RE: UPDATE: System Reports

Hi Cindy,

Great question. Currently, we feel certain that this is a state network technical issue, and it is not due to any bad actor or malicious activity. Resolution continues to be our top priority. We continue to work with DoIT and are bringing in a third-party vendor today to assist and expedite the evaluation and resolution of the issue. We are working on external messaging, and I will continue to share updates as they become available.

I will place a call on our calendar for Friday morning in the event this issue persists to discuss plans for expanded early voting.

Best,
Mandy

From: Cindy Fuller <cindy.fuller@chavescounty.gov>
Sent: Wednesday, October 19, 2022 8:08 AM
To: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; SOS-Leadership <SOS-Leadership@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Aaron Davis, Robis <adavis@robis.net>; David Davoust <ddavoust@robis.net>; Ernie Marquez, AES <emarquez@electionpeople.com>; Adrian Leyva <ALeyva@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>; Francisco Padilla <francisco.padilla@dominionvoting.com>
Subject: [EXTERNAL] RE: UPDATE: System Reports

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

Good morning, Mandy,
Thank you for the update. Can you verify if State servers were compromised and if this is something that could be causing the issues?
Thank you,

Cindy Fuller

Chaves County Clerk
#1 St. Mary's Place, Suite 110
PO BOX 580
Roswell, NM 88203
575-624-6614 – Office
575-624-6523 – Fax
575-624-6680 – Direct Line

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Tuesday, October 18, 2022 5:47 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; SOS-Leadership <SOS-Leadership@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Aaron Davis, Robis <adavis@robis.net>; David Davoust <ddavoust@robis.net>; Ernie Marquez, AES <emarquez@electionpeople.com>; Adrian Leyva <ALeyva@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>; Francisco Padilla <francisco.padilla@dominionvoting.com>
Subject: UPDATE: System Reports

> mandy.vigil@sos.nm.gov appears similar to someone who previously sent you email, but may not be that person. Learn why this could be a risk

Good evening all,

I wanted to provide you with an update on the intermittent system issues some of you may be experiencing.

The SOS's IT staff have been engaged throughout the day on the performance issues in our production hosting environment. We have involved DoIT, but thus far have not been able to isolate a root cause. They made some changes a little after 5 PM and will be monitoring throughout the evening to see if they have any effect on the symptoms. We are preparing to enlist the support of a vendor in the morning if these changes do not prove to be fruitful.

We are working on contingency plans should this persist. Wish we had better news, but wanted to share the current status because we know you are all deeply affected and concerned.

Best,
Mandy

> On Oct 18, 2022, at 12:22 PM, Romero, Charles, SOS <Charles.Romero@sos.nm.gov> wrote:
>
> Good Afternoon County Clerks,
>
> There will be an outage until 1pm with SERVIS and other related services as our office performs a reboot to our CPU. The SERVIS web server is unresponsive at the moment and therefore the reboot is necessary to resolve this unresponsiveness. The IT Team is working aggressively to resolve the issues that we have faced in the past 2 days. We will provide updates as soon as they are made available. Thank you all for your hard work and patience.
>
> Regards,

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, October 17, 2022 1:37 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>
Subject: System Reports
Importance: High

Hi all,

We have been made aware of intermittent system errors that have been reported when processing a voter registration record, specifically an SDR. Our office is actively investigating this report and resolution.

Please remind your teams that they should offer the individual a provisional ballot if they receive an error or are unable to utilize the automated SDR process at any time. Please ensure that the reason selected for the provisional ballot being issued is **Same Day Registration** so that you may use this to review/process the registration ahead of the provisional qualification.

Let us know if you have any questions at nmclerks@sos.nm.gov.

Thanks,
Mandy

<image003.jpg>

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Clerks, NM, SOS <NM.Clerks@sos.nm.gov>
Sent: Friday, October 21, 2022 2:59 PM
To: Hogland, Annie
Subject: [EXTERNAL SENDER] Re: [EXTERNAL] SDR Tablet Error

Annie,

This is resolved. It was related to system issues that we were experiencing. I am going to close the ticket

---

From: Annie Hogland <ahogland@currycounty.org>
Sent: Monday, October 17, 2022 10:11 AM
To: Clerks, NM, SOS
Subject: [EXTERNAL] SDR Tablet Error

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

Good Morning,

Twice this morning, our tablet has had an error message regarding OVR data from MVD, and to try again later.... Don't have a picture of the error message, just wanted to report as best as possible. If it happens again we will get a picture.

Thanks,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Clerks, NM, SOS <NM.Clerks@sos.nm.gov>
Sent: Friday, October 21, 2022 4:14 PM
To: Hogland, Annie
Subject: [EXTERNAL SENDER] Re: [EXTERNAL] SERVIS / SDR

Annie,

This issue was part of the known issue and is now resolved.

Regards,
Charles R

From: Annie Hogland <ahogland@currycounty.org>
Sent: Monday, October 17, 2022 3:56 PM
To: Clerks, NM, SOS
Subject: [EXTERNAL] SERVIS / SDR

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

Will we be able to complete any SDR's today? We are even trying to put them in by hand and are unable to do so. Is there any leads on how long melissa data will be down for? Just trying to communicate with the voters.

Thanks,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: 'Daniel A. Ivey-Soto' via ClerkList <clerklist@nmclerks.org>
Sent: Monday, December 12, 2022 2:22 PM
To: clerklist@nmclerks.org
Subject: [EXTERNAL SENDER] RE: [External] Tentative Accepted: [ClerkList] Invitation: (No Subject) @ Tue Dec 20, 2022 2pm - 3pm (MST) (ClerkList)
Attachments: 223176.1 Ivey-Soto probate court administration.pdf

Keith, et al,

For some reason, when I put the invite on my calendar it sends a message to the ClerkList…. Ugh!! Trying to solve this.

In the meantime, attached is the proposed bill for discussion on the 20th. I'm meeting with the Probate Judges later this week to hopefully get their endorsement.

-- Daniel.

On Dec 12, 2022 at 2:18 PM -0700, Keith Manes <kmanes@leacounty.net>, wrote:

> Hey Daniel, I can not open the attachment. Keith
>
> ---
>
> **From:** daniel via ClerkList <clerklist@nmclerks.org>
> **Sent:** Monday, December 12, 2022 2:16 PM
> **To:** clerklist@nmclerks.org
> **Subject:** [External] Tentative Accepted: [ClerkList] Invitation: (No Subject) @ Tue Dec 20, 2022 2pm - 3pm (MST) (ClerkList)
>
> ***CAUTION:** This email originated from outside of Lea County. Do not click on links or open attachments unless you recognize the sender and know the content is safe.***
>
> --
> You received this message because you are subscribed to the Google Groups "ClerkList" group.
> To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

--
You received this message because you are subscribed to the Google Groups "ClerkList" group.
To unsubscribe from this group and stop receiving emails from it, send an email to clerklist+unsubscribe@nmclerks.org.

SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO COURTS; CLARIFYING PROBATE COURT ADMINISTRATION AND JURISDICTION; PROVIDING PROCEDURES FOR DESIGNATING A DISTRICT JUDGE OR OTHER PROBATE JUDGE WHEN A PROBATE JUDGE HAS RECUSED OR BEEN DISQUALIFIED; PROVIDING FOR CLERKS OF THE PROBATE COURT AND THEIR DUTIES; SPECIFYING EACH COUNTY'S FINANCIAL OBLIGATION FOR SUPPORT OF THE PROBATE COURT; SPECIFYING RECORDS RETENTION; ALIGNING DOCKET AND SERVICE FEES TO THOSE CHARGED IN MAGISTRATE COURTS AND SPECIFYING WHERE THOSE FEES SHALL BE DEPOSITED; REQUIRING TRUST FUND BANK ACCOUNTS; ALIGNING THE TERMS OF PROBATE JUDGES STATEWIDE; REPEALING OUT-OF-DATE PROBATE COURT STATUTES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 34-7-1 NMSA 1978 (being Laws 1865, Chapter 21, Section 1, as amended) is amended to read:

underscored material = new
[~~bracketed material~~] = delete

"34-7-1. PROBATE COURT--PROBATE JUDGE [~~AUTHORIZED~~].--

A. In accordance with Article 6, Section 23 of the constitution of New Mexico, a probate court is established in each county. The probate courts shall operate under the direction and control of the supreme court and the district court of the judicial district in which the probate court is located. The district court shall provide administrative support to the probate courts.

B. There shall be a probate judge in each county of this state and each county is a probate court district.

C. The position of probate judge [~~shall be deemed~~] is a part-time position."

SECTION 2. Section 34-7-2 NMSA 1978 (being Laws 1851-1852, p.198, as amended) is amended to read:

"34-7-2. PROBATE JUDGE--ELECTION.--[~~Sec. 184.~~] A probate judge shall be elected at each general election [~~held in this state, there shall be elected in each county a probate judge and a sheriff~~] at which the governor is elected."

SECTION 3. Section 34-7-3 NMSA 1978 (being Laws 1865, Chapter 93, Section 1, as amended) is amended to read:

"34-7-3. PROBATE COURTS--SEAL.--[~~Sec. 70.~~] The probate courts shall procure and keep a seal with [~~such~~] emblems and devices as the [~~courts shall think proper~~] supreme court determines."

SECTION 4. Section 34-7-4 NMSA 1978 (being Laws

underscored material = new
[~~bracketed material~~] = delete

1869-1870, Chapter 51, Section 1, as amended) is repealed and a new Section 34-7-4 NMSA 1978 is enacted to read:

"34-7-4. [NEW MATERIAL] PLACE OF HOLDING COURT--QUARTERS--SALARY.--

A. The probate court shall be located at the county seat unless another location is designated by ordinance of the board of county commissioners.

B. The board of county commissioners shall provide adequate quarters for the probate court, including necessary furnishings, equipment, books, supplies, utilities, upkeep and maintenance.

C. Except as otherwise specifically provided by law, all expenses of the probate court, including salary and benefits of the judge, shall be paid from the county general fund in accordance with the court budget approved by the board of county commissioners."

SECTION 5. Section 34-7-7 NMSA 1978 (being Laws 1865-1866, Chapter 41, Section 2, as amended) is repealed and a new Section 34-7-7 NMSA 1978 is enacted to read:

"34-7-7. [NEW MATERIAL] CUSTODY OF RECORDS.--

A. The records, archives, documents and books of the probate court shall be under the charge of the clerk of the probate court in accordance with standards established by the supreme court. The records, archives and documents shall be kept in a separate book maintained for that purpose and may be

underscored material = new
[bracketed material] = delete

kept in physical or electronic form.

B. The clerk of the probate court shall keep in separate physical books or electronic records kept for that purpose all wills admitted to probate and all bonds given by personal representatives, conservators and guardians."

SECTION 6. Section 34-7-8 NMSA 1978 (being Laws 1935, Chapter 63, Section 1, as amended) is amended to read:

"34-7-8. PROBATE COURTS--HOURS OF BUSINESS--[~~NOTICE~~].--

A. The probate [~~courts of the state~~] court shall be [~~in session and~~] open [~~at such~~] during the same days and times as [~~are needed for the transaction of any business matters which may properly come before the courts under the laws of the state and upon notice thereof given as required under the laws of the state~~] the office of the county clerk.

B. The probate judge in each county shall conduct business during the times necessary for the proper discharge of duties and may set regular hours."

SECTION 7. Section 34-7-9 NMSA 1978 (being Laws 1889, Chapter 132, Section 1, as amended) is amended to read:

"34-7-9. PROBATE JUDGE DISQUALIFICATION--TRANSFER.--

A. Whenever [~~the~~] a probate judge shall, for any reason, be interested or disqualified from acting in any proceeding coming within the jurisdiction of the probate court, [~~he~~] the judge shall, upon [~~his~~] the judge's own motion or that of any interested party, [~~forthwith~~] immediately enter an order

underscored material = new
[~~bracketed material~~] = delete

transferring [~~such~~] the proceeding [~~to the district court having jurisdiction in that county and directing the probate clerk to deposit forthwith within the office of the clerk of said district court a certified copy of said order together with all original papers and records or certified copies of all original papers and records in the probate court relating to said proceeding~~] and file the order with the clerk of the probate court.

B. Upon receipt of an order of recusal or disqualification, the clerk of the probate court shall give written notice to the district court of the county in which the probate court is situate, and the district court shall transfer the case to the district court or designate another probate judge to conduct further proceedings. If designating another probate judge, the district court shall give preference to probate judges serving within the same judicial district. Upon receipt by the clerk of the probate court of a district court designation, the clerk of the probate court shall send a copy of the designation to the parties or their counsel, to the designated district or probate judge and to the recused or disqualified judge.

C. A probate judge who has accepted a designation by the district court has jurisdiction to sit in any action arising in any other probate district when designated for a specific case or for a specific period of time. A probate

underscored material = new
[~~bracketed material~~] = delete

judge acting in another probate district by designation shall include the cases heard by designation in the probate judge's own reports to the district court, indicating on the reports that the probated court's jurisdiction is by designation.

D. The board of county commissioners of the county of the recused or disqualified probate judge shall reimburse the district judge or probate judge sitting by designation for expenses incurred pursuant to the Per Diem and Mileage Act."

SECTION 8. Section 34-7-10 NMSA 1978 (being Laws 1933, Chapter 102, Section 2) is amended to read:

"34-7-10. PROCEEDINGS IN DISTRICT COURT.--

A. All proceedings [~~thus~~] transferred from the probate court to the district court shall be docketed as other causes in [~~the district~~] that court, which court shall [~~thereupon~~] exercise the same authority and take the same steps and proceedings as would have otherwise [~~have~~] been taken in the probate court.

B. If a case was properly filed within the jurisdiction of the probate court and later transferred to the district court, no filling fee shall be charged in the district court."

SECTION 9. Section 34-7-11 NMSA 1978 (being Laws 1933, Chapter 101, Section 1, as amended) is amended to read:

"34-7-11. PROBATE JUDGE ABSENT OR UNABLE TO ATTEND TO DUTIES.--

underscored material = new
[~~bracketed material~~] = delete

A. Whenever [~~the~~] a probate judge [~~shall be~~] is absent [~~from the county wherein he was elected or shall be~~], incapacitated or unable to attend to [~~his~~] the probate judge's duties from any cause whatsoever, [~~any~~] the probate judge shall enter a notice of unavailability and file the order with the clerk of the probate court; provided that if the judge is unable to prepare the notice due to incapacity, the clerk of the probate court shall prepare and file a notice of incapacitation.

B. Upon receipt of a notice of unavailability or after preparing a notice of incapacitation, the clerk of the probate court shall give written notice to the district court of the county in which the probate court is situate and the district court shall designate a district judge [~~of said county~~] or [~~any other district~~] another probate judge [~~designated~~] to hold court in [~~said~~] the county [~~for him~~] and [~~may~~] do [~~any and~~] all things that could otherwise be done by [~~said~~] the probate judge of that county, without the necessity of having the matters or proceedings transferred from the docket of the probate court to the docket of the district court [~~The fact of such absence or incapacity shall be recited in every order of the district judge entered in accordance with this act~~] or the other probate court. If designating another probate judge, the district court shall give preference to probate judges serving within the same judicial district. Upon

underscored material = new
[~~bracketed material~~] = delete

receipt by the clerk of the probate court of the designation by the district court, the clerk of the probate court shall send a copy of the designation to the parties or their counsel, to the designated district or probate judge and to the unavailable or incapacitated probate judge.

C. A probate judge acting in another probate district by designation as provided in this section shall include the cases heard by designation in the probate judge's own reports to the district court, indicating on the reports that the probate court's jurisdiction is by designation.

D. The board of county commissioners of the county of the unavailable or incapacitated probate judge shall reimburse the district judge or probate judge sitting by designation for expenses incurred pursuant to the Per Diem and Mileage Act."

SECTION 10. Section 34-7-13 NMSA 1978 (being Laws 1887, Chapter 66, Section 1, as amended) is repealed and a new Section 34-7-13 NMSA 1978 is enacted to read:

"34-7-13. [NEW MATERIAL] ADMINISTRATION--SUPREME COURT RULES.--

A. The supreme court shall promulgate rules to regulate pleading, practice and procedure in the probate courts to simplify and promote the speedy determination of probate. The rules shall not abridge, enlarge or modify the substantive rights of any party.

underscored material = new
[bracketed material] = delete

B. The supreme court shall cause all rules to be printed and distributed to all probate judges and to all members of the bar, and no rule shall become effective until thirty days after the rule has been printed and distributed."

SECTION 11. Section 34-7-14 NMSA 1978 (being Laws 1923, Chapter 29, Section 1, as amended) is repealed and a new Section 34-7-14 NMSA 1978 is enacted to read:

"34-7-14. [NEW MATERIAL] FEES OF PROBATE COURT.--

A. Clerks of the probate courts shall receive the same docket fees as civil cases filed in the magistrate court; provided that court fees in addition to the civil case docket fee shall not be charged in a probate court case.

B. The clerk of the probate court shall charge the same fees for services required in any matter as service fees are charged in magistrate court."

SECTION 12. Section 34-7-17 NMSA 1978 (being Laws 1860-1861, p. 80, as amended) is amended to read:

"34-7-17. COUNTY CLERK TO KEEP ACCOUNTS.--[~~Sec. 93.~~]

A. The clerk of each probate [~~clerks of the different counties of this state are hereby~~] court is required to keep a separate book for the [~~sole~~] purpose of keeping an exact account, which shall show in a clear and distinct manner all the money received, specifying the object for which it was received [~~and that~~]. The same book shall also contain a distinct and clear list of all warrants issued against the

underscored material = new
[~~bracketed material~~] = delete

county treasury and for what purpose.

B. No later than the date established by the administrative office of the courts, the clerk of each probate court shall file a standardized monthly report with the administrative office of the courts and the county treasurer of the county in which the probate court is situate. The report shall itemize all money received and disbursed by the probate court during the previous month or indicate that none was imposed, received or disbursed. One copy of the report shall be retained by the probate court. The administrative office of the courts shall audit and adjust each report in accordance with the facts and file the reports in its office for a period of five years."

SECTION 13. Section 34-7-18 NMSA 1978 (being Laws 1860-1861, p. 80, as amended) is repealed and a new Section 34-7-18 NMSA 1978 is enacted to read:

"34-7-18. [NEW MATERIAL] PUBLIC MONEY--COMMINGLING--TRUST FUND BANK ACCOUNT.--

A. All money collected by a probate court in connection with any probate case is public money of the county held in trust until disbursed in accordance with law.

B. Every county treasurer shall maintain a special trust fund account for the probate court in a convenient bank insured by the federal deposit insurance corporation. If a distribution to a decedent's estate is required by federal law

underscored material = new
[bracketed material] = delete

or other regulatory provision and there is no other account of the estate established to receive the money, the distribution may be deposited in the special trust fund account until disbursed by order of the probate judge."

SECTION 14. Section 34-7-22 NMSA 1978 (being Laws 1866-1867, Chapter 24, Section 1, as amended) is amended to read:

"34-7-22. DEPUTIES.--[~~Sec. 89.~~]

A. [~~The clerks of the probate courts of this state, with the consent of the probate judges~~] Unless otherwise provided by law, the county clerk of each county is designated as the clerk of the probate court in that county and shall have power to appoint [~~a~~] deputy [~~clerk~~] clerks of the probate court [~~Each clerk shall appoint one, and such deputies when duly appointed and qualified~~] who shall have full power and shall be authorized to perform all the duties of the clerk of the [~~said~~] probate court. Fees received by the probate court shall be deposited in the county clerk recording and filing fund if the county clerk is serving as clerk of the probate court.

B. The board of county commissioners may by ordinance provide for a separate clerk of the probate court and fees received by that clerk shall be deposited in the county general fund."

SECTION 15. Section 45-1-307 NMSA 1978 (being Laws 1975, Chapter 257, Section 1-307) is amended to read:

underscored material = new
[~~bracketed material~~] = delete

"45-1-307. PROBATE COURT--POWERS.--If for any reason the probate judge is unable to act, the acts and orders [~~which~~] that the Uniform Probate Code specifies as performable by the probate court may be performed either by a judge of the district court or by [~~a person~~] another probate judge designated by the district court by a written order filed and recorded in the office of the clerk of the district court."

SECTION 16. TEMPORARY PROVISION--ADJUSTMENT OF TERMS OF OFFICE.--

A. Pursuant to Article 20, Section 3 of the constitution of New Mexico, the legislature finds that the probate judge term adjustments provided for in Section 34-7-2 NMSA 1978 as amended by this act are necessary to:

(1) align the election of all thirty-three probate judges throughout the state; and

(2) enable more effective training for new judges.

B. The term of a probate court judge that was set to expire on December 31, 2024 shall expire on December 31, 2026.

SECTION 17. REPEAL.--Sections 34-7-5, 34-7-6, 34-7-15, 34-7-16, 34-7-19 through 34-7-21 and 34-7-23 through 34-7-25 NMSA 1978 (being Laws 1869-1870, Chapter 51, Section 2, Laws 1887, Chapter 66, Section 3, Laws 1923, Chapter 29, Sections 2 and 4, Laws 1860-1861, page 80, Laws 1889, Chapter 90, Sections

underscored material = new
[~~bracketed material~~] = delete

42 and 43 and Laws 1866-1867, Chapter 24, Sections 2 through 4, as amended) are repealed.

SECTION 18. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.

underscored material = new
[~~bracketed material~~] = delete

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, November 28, 2022 11:37 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; francisco.padilla@dominionvoting.com; Rick Sandoval; Ban Trinh
Subject: [EXTERNAL SENDER] RE: 2022 Post Election Machine Check
Attachments: 2022 Post Election Machine Check Calendar.pdf; Legal Resources1_10_23 Post Election Procedures.pdf; Post Election Voting System Check.pdf

Good morning,

All counties that have precincts that were selected for the machine check have received a direct communication from Ban Trinh, CPA who is with Zlotnick and Sandoval the firm who will be conducting the independent check earlier this morning.

I have attached resources for your review and reference during this process. If you have any questions, please send them to our office at nm.clekrs@sos.nm.gov.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045 | mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

Please note new email address.

From: Vigil, Mandy, SOS
Sent: Sunday, November 20, 2022 4:21 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; francisco.padilla@dominionvoting.com; Rick Sandoval <rick@zlscpa.com>; Ban Trinh <ban@zlscpa.com>
Subject: 2022 Post Election Machine Check

Dear Clerks,

As you are aware, our state requires that a post-election voting system check take place after each general election. The post-election audit uses a statistical method to check the accuracy of the vote tabulators used during the general election by comparing a hand count of select precincts to the machine tabulated results. The number of voting precincts to be checked is based on the formula set out in 1-14-13.2, NMSA 1978, for federal offices, and statewide elective offices when the winning candidate won by the smallest percentage margin of all candidates for statewide offices in NM.

The random selection of voting precincts to be audited will occur this Tuesday, November 22, 2022, at 10:00 a.m. and will be conducted by an independent accounting firm, Zlotnick & Sandoval, PC. The selection process is public and interested parties may attend in person at the NM State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, NM 87501 – Room 321 or via webcast.

The auditor will notify county clerks of precincts selected to be included in the voting system check via email on November 28, 2022. This notice starts the statutory clock for county offices to complete the machine check. ***Please note,*** participating counties must post notice 3 days in advance of the machine check tasks being conducted and results must be reported back to the auditor within 10 days of receiving notice (December 8). If the precincts are included in a recount, the county clerk shall report the results of the audit within 10 days after the conclusion of the recount.

While we don't know which counties will participate in the post-election audit, our office recommends that each county review the above-referenced statute, along with 1.10.23 NMAC. Formal procedures will be forthcoming. In the meantime, please contact our office if you have any questions. I have also included a calendar planning document for your reference. Please reach out with any questions.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045 | mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

Please note new email address.

November 2022 Post Election Machine Check Plan

Sun	Mon	Tue	Wed	Thu	Fri	Sat
30	31	1	2	3	4	5
6	7	8 Election Day	9 Post-Election Working Day 1	10 Post-Election Working Day 2	11 **Veterans Day**	12
13	14 Post-Election Working Day 3	15 Post-Election Working Day 4 Deadline: SOS to post notice	16 Post-Election Working Day 5	17 Post-Election Working Day 6	18 Post-Election Working Day 7	19
20	21 Post-Election Working Day 8	22 Post-Election Working Day 9 Public Precinct Selection	23 Post-Election Working Day 10	24 **Thanksgiving Day**	25 State Holiday	26
27	28 Post-Election Working Day 11 Auditor to send notice to county clerks.	29 Post-Election Working Day 12 Deadline: Select Precincts Day 1: CC tasks	30 Post-Election Working Day 13 Deadline: Notice to county clerks. Day 2: CC tasks	Dec 1 Day 3: CC tasks	Dec 2 Day 4: CC tasks	Dec 3 Day 5: CC tasks
Dec 4 Day 6: CC tasks	Dec 5 Day 7: CC tasks	Dec 6 Day 8: CC tasks	Dec 7 Day 9: CC tasks	Dec 8 Day 10: CC tasks Deadline: CC to complete machine check tasks	Dec 9	Dec 10

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 23 PROCEDURES FOR RECOUNTS, AUDITS, RECHECKS AND CONTESTS

1.10.23.1 ISSUING AGENCY: Office of the Secretary of State, 325 Don Gaspar, Suite 300, Santa Fe, New Mexico, 87503.
[1.10.23.1 NMAC - N/E, 10/2/2008]

1.10.23.2 SCOPE: This rule applies to recounts, rechecks, audits, and contests conducted pursuant to Sections 1-14-1 *et seq.* NMSA 1978.
[1.10.23.2 NMAC - N/E, 10/2/2008]

1.10.23.3 STATUTORY AUTHORITY: Election Code, Sections 1-2-1, and 1-14-1 *et seq.* NMSA 1978.
[1.10.23.3 NMAC - N/E, 10/2/2008]

1.10.23.4 DURATION: Permanent.
[1.10.23.4 NMAC - N/E, 10/2/2008]

1.10.23.5 EFFECTIVE DATE: October 2, 2008, unless a later date is cited at the end of a section.
[1.10.23.5 NMAC - N/E, 10/2/2008]

1.10.23.6 OBJECTIVE: The purposes of this rule is to provide procedures for conducting audits, contests, rechecks, and recounts pursuant to Sections 1-14-1 *et seq.* NMSA 1978.
[1.10.23.6 NMAC - N/E, 10/2/2008]

1.10.23.7 DEFINITIONS:

A. "Absentee ballot" means a method of voting by mail, accomplished by a voter who is absent from the voter's polling place on election day. "Absentee ballot" has the same definition under the Absent Voter Act as a mailed ballot.

B. "Absentee provisional ballot" means the paper ballot issued to a provisional absentee voter.

C. "Audit" means a check of the voting systems conducted pursuant to Section 1-14-13.2 NMSA 1978.

D. "Ballot" means a paper ballot card that is tabulated on an optical scan vote tabulating system or hand tallied.

E. "Contest" means court litigation that seeks to overturn the outcome of an election pursuant to Sections 1-14-1 *et seq.* NMSA 1978.

F. "County canvassing board" means the board of county commissioners in each county.

G. "Designated polling place" means the voting location assigned to a voter based on that voter's residence within a precinct of the county.

H. "High speed central count ballot tabulator" means a self-contained optical scan vote tabulating system that uses an automatic ballot feeder to process ballots placed in the tabulator in any orientation. Ballots are processed at high speed and the tabulator has a built in sorting system to divert processed ballots into appropriate bins.

I. "Observer" means a voter of a county who has been appointed by a candidate, political party chair, or election related organization pursuant to the provisions of the Election Code.

J. "Optical scan" or **"EVT ballot"** means a ballot used on an optical scan vote tabulating system or EVT voting system.

K. "Optical scan vote tabulating system" or **"electronic vote tabulating (EVT) voting system"** means a voting system which records and counts votes and produces a tabulation of the vote count using one ballot imprinted on either or both faces with text and voting response areas, and includes a high-speed central count ballot tabulator. The optical scan vote tabulating system records votes by means of marks made in the voting response areas.

L. "Overvote" means the selection by a voter of more than the number of alternatives allowed in a voting response area.

M. "Provisional absentee voter" means a voter who votes on an absentee provisional ballot after initially attempting to vote by absentee ballot but whose name does not appear on the signature roster or has failed to

meet the voter identification requirements in the Election Code.

N. "Provisional ballot" means a ballot that is marked by a provisional voter.

O. "Provisional voter" means a voter casting a provisional ballot pursuant to the provisions of the Election Code.

P. "Recheck" shall have the meaning given in Subsection A of Section 1-1-6 NMSA 1978.

Q. "Recount" shall have the meaning given in Subsection B of Section 1-1-6 NMSA 1978 and shall include hand recounts conducted pursuant to this part.

R. "Recount precinct board" means the voters of a county who are appointed by the county clerk to open, tabulate, tally and report absentee ballot results.

S. "Signature roster" means the certified list of voters at a polling place which is signed by a voter when presenting himself on election day.

T. "Tally sheet" means a document prepared by the county clerk and used for the counting of ballots that are electronically tabulated.

U. "Undervote" means the failure of a voter to select any of the alternatives in a voting response area.

V. "Vote" shall have the meaning given in Section 1-1-5.2 NMSA 1978.

W. "Voter" means any qualified elector or federal qualified elector who is registered under the provisions of the Election Code.

X. "Voting response area" means the place on a ballot where the voter is instructed to mark his preference for a candidate or question.

[1.10.23.7 NMAC - N/E, 10/2/2008; A/E, 11/3/2008; A, 4/7/2020]

1.10.23.8 PUBLIC NOTICE AND OBSERVATION OF AUDITS, VOTING SYSTEM CHECKS, RECHECKS AND RECOUNTS:

A. Public notice. In addition to the notice required to be provided by Section 1-14-16 NMSA 1978 for rechecks and recounts, at least three days prior to an audit, voting system check, recount or recheck, the county clerk shall post, in at least one conspicuous place in the county, the time and location of the audit, voting system check, recount or recheck. In addition, if the county clerk has a web site, at least three days prior to an audit, voting system check, recount or recheck, the county clerk shall post the time and location on its web site.

B. Public observation. Consistent with Subsection A of Section 1-14-13.2 NMSA 1978, county canvass observers may be present during the audit process and shall be subject to Section 1-2-31 NMSA 1978. Pursuant to Section 1-14-16 NMSA 1978, members of the public may be present during a recheck or recount. The county clerk shall provide instructions to all observers, watchers and members of the public regarding any rules governing their conduct during an audit, voting system check, recheck, or recount. At all times during an audit process, those present to observe shall wear self-made badges designating themselves as an authorized observer of the organization or candidate which they represent or as a member of the public. Those present to observe shall not:

(1) wear any identification other than the badge described above;

(2) wear any party or candidate pins;

(3) perform any duty of the recount, recheck, or audit workers;

(4) handle any election material;

(5) interfere with the orderly conduct of workers conducting the process; or

(6) use cell phones, audio, or video tape equipment while observing the process.

[1.10.23.8 NMAC - N/E, 10/2/2008; A/E, 10/15/2010]

1.10.23.9 VOTING SYSTEM CHECK PROCEDURES: This section applies to voting system checks for all federal offices, for governor, and for the statewide elective office other than the office of the governor for which the winning candidate won by the smallest percentage margin of all candidates for statewide office in New Mexico, as required by Section 1-14-13.2 NMSA 1978.

A. Auditor functions

(1) Selection of precincts for the voting system check. The number of precincts to be selected for each contest shall be based on the margin between the top two candidates as determined in Table 1 of Section 1-14-13.2 NMSA 1978. (The calculations for determining the number of precincts in the sample assume that the maximum margin shift in any precinct will not exceed thirty percent. Achieving the ninety percent probability of detection with the number of precincts in the sample as indicated in Table 1 requires that the probability of selecting a precinct is proportional to the precinct size.)

(a) By no later than 12 calendar days after the election, the auditor shall select the

precincts for the voting system check pursuant to the precinct selection process set forth in Section 1-14-13.2 NMSA 1978.

(b) The auditor will conduct an agreed upon procedures engagement in accordance with AICPA statements on standards for attestation engagements for procedures set forth in Section 1-14-13.2 NMSA 1978 and 1.10.23.9 NMAC.

(c) Precincts will be randomly selected using a process that is visually observable, such as rolling dice or selecting pieces of paper from a box, with the probability of selection being proportional to the number of persons registered to vote in the last election in each precinct.

(d) The random sampling process shall be open to public observation. At least seven days prior to the random sampling conducted pursuant to this subsection, the secretary of state shall post notice on its web site of the time, date, and location of the random sampling.

(2) Notification of the county clerks: By no later than 13 days after the election the auditor shall notify the county clerks of the precincts that have been selected for the voting system check.

(a) The auditor shall provide the county clerks with tally sheets for the offices to be subjected to voting systsem checks in the selected precincts.

(b) The auditor shall reference rules and guidelines that have been provided in advance by the secretary of state for conducting the hand counts and reporting the results to the auditor.

(3) Analysis of results: The auditor shall compare the hand count results with the vote tabulator results to determine if further sampling or a full hand count is needed for any office being subjected to the voting system check.

(a) The auditor determines within 26 days after the election if further sampling is required. The determination is made by 1) calculating the difference between the vote tabulator counts divided by the votes cast for the office in the sample as reported by the vote tabulators and the hand counts divided by the votes cast for the office in the sample as reported by the hand counts for the putative first place candidate, 2) calculating the difference between the vote tabulator counts divided by the votes cast for the office in the sample as reported by the vote tabulators and the hand counts divided by the votes cast for the office in the sample as reported by the hand counts for the putative second place candidate, and 3) subtracting the result in 2) for the putative second place candidate from the result in 1) for the putative first place candidate. For any office being subjected to the voting system check, if the result in 3) exceeds ninety percent of the reported margin between the first and second place candidates, a voting system check must be conducted on an additional sample of the same size as the original sample. The procedures in subsection A are repeated for selecting the additional sample and notifying the county clerks. If the result in 3) does not exceed ninety percent of the reported margin between the first and second place candidates, the auditor reports to the secretary of state that no further checking of voting systems for that office pursuant to Section 1-14-13.2 NMSA 1978 is required.

(b) If a second sample was required, the auditor determines within 39 days after the election if a full hand count is required. The determination is made by 1) calculating the difference between the vote tabulator counts divided by the votes cast for the office in both samples as reported by the vote tabulators and the hand counts divided by the votes cast for the office in both samples as reported by the hand counts for the putative first place candidate, 2) calculating the difference between the vote tabulator counts divided by the votes cast for the office in both samples as reported by the vote tabulators and the hand counts divided by the votes cast for the office in both samples as reported by the hand counts for the putative second place candidate, and 3) subtracting the result in 2) for the putative second place candidate from the result in 1) for the putative first place candidate. For any office being subjected to the voting system check, if the result in 3) exceeds ninety percent of the reported margin between the first and second place candidates, a full hand count of all precincts must be conducted for the contest. If the result in 3) does not exceed ninety percent of the reported margin between the first and second place candidates, the auditor reports to the secretary of state that no further checking of voting systems for that office pursuant to Section 1-14-13.2 NMSA 1978 is required.

(4) Reporting results: The auditor shall, within three days of receiving the hand counting results from the county clerks for the initial sample, an additional sample, if applicable, and a full hand recount, if applicable, submit a report to the secretary of state and to the public that shall include, for each office subject to the voting system check, the numbers and names of the precincts in the initial sample and, if applicable, the second sample for each office; the outcome of full recounts, if conducted; a comparison of the vote tabulator results with the hand counts in each precinct in the samples and the full recount, if conducted; a comparison of the vote tabulator results with the hand counts for all precincts; a comparison of the reported margin between the first and second place candidates with the error rates in the first sample and, if applicable, in both samples and for a full recount, if conducted. Within 30 days of receiving the hand counting results from the county clerks, a final report to the

secretary of state and to the public shall also include a description of the procedures used for the voting system check.

B. Secretary of state functions: The secretary of state shall contract with an auditor whose firm name appears on the state auditor's list of independent public accountants approved to perform audits of New Mexico government agencies.

(1) Within 28 days of the closing of voter registration, the secretary of state shall provide the auditor with the number of registered voters in each precinct in the state.

(2) Upon receipt of the county canvass results and no later than 10 days after the date of the election, the secretary of state shall provide the auditor with the voting results from each county to be used to determine the size of the random sample of precincts for the voting system check.

(3) The secretary of state shall provide a venue and the necessary supplies and equipment for use by the auditor in publicly selecting precincts for each office subject to the voting system check.

(4) The secretary of state shall provide the auditor with the forms or templates to be used by the county clerks and by the auditor for recording, reporting and analyzing results of the voting system check. These forms or templates may include those used for notifying county clerks of the precincts selected for each office, for tallying hand counts, for reporting hand count results to the auditor, for analyzing results of the voting system check by the auditor, and for reporting results of the voting system check to the secretary of state and state canvassing board. The secretary of state shall provide tally sheets to the auditor for only those precincts and offices being tallied as part of the voting system check.

(5) The secretary of state shall arrange for the communications channels and terminals to be used by the auditor for communications of information related to the voting system check to and from the county clerks.

(6) The secretary of state shall provide guidelines to the county clerks for conducting the hand counts and reporting the results to the auditor.

(7) The secretary of state shall post on the web the intermediate and final results reported by the auditor as soon as they are available.

C. County clerk functions

(1) Early voting, absentee voting and election day voting ballots counted by vote tabulators by the time of closing of the polls on election night will be subject to the voting system check. Therefore, it is recommended that sorting of these ballots by precinct should be done in advance.

(a) Within 10 days of the notice to conduct the voting system check, the county clerk shall report their results to the auditor.

(b) The county clerk shall choose a location for the voting system check that is accessible to the public.

(c) The county clerk or her designee shall arrange for transportation of ballots to the site of the voting system check and contact the sheriff or state police to move the ballot boxes from the current place of storage to the site of the voting system check.

(d) At least one person in addition to the county clerk shall witness all movement of ballots during the voting system check, and all movement of ballots from and to the ballot box during the voting system check shall be logged. Each time that ballots are removed from or returned to a ballot box, the number of ballots shall be determined and compared to the number of ballots that should be in that particular ballot box. Any discrepancies shall be noted and the identity of the witness shall be documented.

(e) Prior to conducting the voting system check, the county clerk shall have a district judge present when opening those ballot boxes containing ballots from the precincts selected for the voting system check.

(f) The county clerk shall assign counting teams of at least two members (a reader and a marker) and preferably three, to particular precincts. The third member, if present, verifies that what the reader reads is correct and is what the marker marks. The team members shall consist of at least two distinct political parties, if possible.

(2) Hand counting procedures. The ballots from the precincts selected for auditing shall be hand tallied pursuant to the procedures in this subsection.

(a) For election day voting, and when possible, for absentee and early voting, the counting team shall ensure that the serial number for the voting system and the type of ballot to be counted are prominently displayed on the tally sheet. When multiple vote tabulators are used for a precinct as in early voting and absentee voting, this rule may be ignored.

(b) To count the votes by a two person team, the reader shall read the vote to the

marker and the marker shall observe whether the reader has correctly read the vote; the marker shall then mark the tally sheet of the appropriate precinct, and the reader shall observe whether the marker correctly marked the tally sheet. With a three person team the third person verifies that the marker marks correctly and the reader reads correctly. Upon completion of the recount of a precinct, the marker shall add the total number of votes for each candidate as well as any undervotes or overvotes. The reader with the verifier shall confirm these amounts. The marker, the reader and, if present, the verifier shall sign the tally form.

(c) If a two person counting team is used, it is recommended that the ballots be counted again using the sort and stack method. With this method, the ballots are sorted into stacks by candidate, undervotes and overvotes. The stacks are then hand counted. The results of the sort and stack method shall be compared to the hand tally method. Any discrepancies may require the processes in (b) and (c) to be repeated. The reasons for the discrepancies shall be noted on the tally sheet.

(d) If a ballot is marked indistinctly or not marked according to the instructions for that ballot type, the counting team shall make the appropriate determination as provided for in Subsection A and Paragraphs (1) through (4) of Subsection B of Section 1-1-5.2 NMSA 1978. In no case, shall the counting team mark or re-mark the ballot.

(e) Upon completion of the hand counting of the initial sample of precincts included in the voting system check, and of subsequent samples, if conducted, the results of the hand counting shall be reported to the auditor within 10 days of the notice to conduct the voting system check. If a full hand count is required pursuant to Section 1-14-13.2 NMSA 1978, the results shall be reported as soon as practicable.
[1.10.23.9 NMAC - N/E, 10/2/2008; A/E, 10/16/2008; A/E, 11/3/2008; A/E, 10/15/2010; A, 4/7/2020]

1.10.23.10 RECOUNT AND RECHECK PROCEDURES: This section applies to rechecks and recounts conducted pursuant to Sections 1-14-14 and 1-14-24 NMSA 1978, and recounts resulting from audits performed under Section 1-14-13.2 NMSA 1978. The recheck and recount procedures in this section shall be used in conjunction with the procedures in Sections 1-14-16 and 1-14-18 through 1-14-23 NMSA 1978, along with guidance from the secretary of state.

A. Time and place; ballot security.

(1) Pursuant to Subsection A of Section 1-14-16 NMSA 1978, the recount or recheck shall be held at the county seat.

(2) The county clerk shall arrange for transportation of ballots to the recount or recheck site and contact the sheriff or state police to move the ballot boxes from the current place of storage to the recount or recheck site.

(3) The county clerk shall convene the recount precinct board no more than 10 days after the filing of the application for a recount or recheck, notice of an automatic recount, or notice of a recount required by Subsection B of Section 1-14-13.2 NMSA 1978.

(4) The presiding judge of the recount precinct board shall assign counting teams of at least two members, of opposite political parties if possible, to particular precincts.

(5) At least one person in addition to the district judge or presiding judge shall witness all movement of ballots during the recount, and all movement of ballots from and to the ballot box during the recount process shall be logged. Each time that ballots are removed from or returned to a ballot box, the number of ballots shall be determined and compared to the number of ballots that should be in that particular ballot box. Any discrepancies shall be noted.

B. Random selection of ballots to determine whether the recount shall be hand tallied or electronically tabulated. This subsection does not apply to recounts resulting from audits performed under Section 1-14-13.2 NMSA 1978. To determine whether votes shall be recounted using optical scan vote tabulating systems pursuant to Section 1-14-23 NMSA 1978, the recount precinct board shall electronically tabulate recount ballots from the precincts to be recounted in accordance with the procedures in this subsection.

(1) A separate results cartridge programmed with ballot configurations for all precincts in the county or the ballot configuration for the precinct to be tabulated shall be inserted into an optical scan vote tabulating system. A summary zeros results report shall be generated and certified by the precinct board.

(2) Recount ballots equal to at least the number required by Subsection B of Section 1-14-23 NMSA 1978 shall be fed into the optical scan vote tabulating system. Any recount ballots rejected by the optical scan vote tabulating system shall be placed back into the ballot boxes and additional recount ballots shall be inserted until the number of ballots tabulated by the system is equal to at least the amount required by Subsection B of Section 1-14-23 NMSA 1978. If the recount precinct board uses a results cartridge programmed with only the ballot configuration for the precinct being tabulated, then the procedure in Paragraph (1) of this subsection shall be

repeated for each precinct being tabulated.

(3) The recount precinct board shall then hand tally the votes from the same ballots counted by the optical scan vote tabulating system in accordance with the procedures in Section 1-14-23 NMSA 1978.

C. Electronic recount procedures.

(1) If the remaining ballots in a non-class A county are to be re-tabulated using optical scan vote tabulating systems, the recount precinct board shall use optical scan vote tabulating systems selected at random by the county clerk in accordance with the procedures in this paragraph.

(a) A separate results cartridge programmed with ballot configurations for all precincts in the county or the ballot configuration for the precinct to be tabulated shall be inserted into the optical scan vote tabulating system chosen by the county clerk.

(b) A summary zeros report shall be generated and certified by the precinct board.

(c) The ballots for the ballot type (e.g., absentee ballots, election day ballots, early in-person ballots) and precincts to be recounted shall be fed into the optical scan vote tabulating system.

(d) All ballots rejected by the tabulator shall be tallied by hand in accordance with the procedures in Subsection E of this section.

(e) A machine report shall be generated and certified by the recount precinct board.

(f) If the recount precinct board uses a results cartridge programmed with ballot configurations for all precincts in the county, then the procedures in this paragraph shall be repeated for each ballot type being recounted. If the recount precinct board uses a results cartridge programmed with only the ballot configuration for the precinct being tabulated, then the procedures in this paragraph shall be repeated for each precinct being tabulated.

(3) If the voted ballots in a precinct are unavailable or incomplete for recount, the district judge, in consultation with the county clerk, may order that a results tape or report be regenerated from the results cartridge that was used to tabulate the voted ballots.

D. Review of rejected ballots and re-tally of provisional, in-lieu of absentee ballots and other paper ballots in a recount.

(1) The district judge shall orally order that any ballot boxes, envelopes, or containers that hold provisional, in-lieu of absentee, and absentee provisional ballots be opened one at a time.

(2) The presiding judge shall count the total number of provisional, absentee provisional, and in-lieu of absentee ballots in each precinct and the number shall be compared to the previously certified signature roster count in that precinct and noted. Any discrepancies shall be noted.

(3) The county clerk shall review the qualification of all rejected provisional, absentee provisional, and in-lieu of absentee ballots pursuant to Section 1-12-25.4 NMSA 1978 and 1.10.22 NMAC.

(4) The recount precinct board shall review the qualification of all rejected absentee ballots in accordance with 1.10.12.15 NMAC and any other rejected ballots in accordance with applicable law.

(5) All previously and newly qualified ballots (including provisional, absentee provisional, in-lieu of absentee ballots, absentee ballots and other paper ballots) shall be recounted and the votes shall be added to the tally of the appropriate precinct.

(6) If any voting data changes as a result of this review, the county clerk shall update the report required in Subsection I of 1.10.22.9 NMAC.

E. Hand counting procedures for recounts. This subsection applies to hand recounts. The secretary of state shall provide tally sheets for only those races being recounted, and shall include options for marking undervotes and overvotes.

(1) The counting team shall ensure that the precinct and the ballot type (eg., election day, early in-person, absentee, in-lieu of absentee, and provisional) being counted are prominently displayed on the tally sheet.

(2) To recount the votes, the reader shall read the vote to the marker and the marker shall observe whether the reader has correctly read the vote; the marker shall then mark the tally sheet of the appropriate precinct, and the reader shall observe whether the marker correctly marked the tally sheet. Upon completion of the recount of a precinct, the marker shall add the total number of votes for each candidate as well as any undervotes or overvotes. The reader shall confirm these amounts. Both the marker and the reader shall sign the tally form.

(3) If a ballot is marked indistinctly or not marked according to the instructions for that ballot type, the counting team shall count a vote as provided for in Subsection A and Paragraphs (1) through (4) of Subsection B of Section 1-1-5.2 NMSA 1978. In no case, shall the counting team mark or re-mark the ballot. 1.10.23.12 NMAC contains illustrative examples of how to discern voter intent.

(4) If a recount for an office selected for a voting system check is conducted pursuant to the

provisions of Chapter 1, Article 14 NMSA 1978, the vote totals from the hand count of ballots for that office in precincts selected for the voting system check may be used in lieu of recounting the same ballots for the recount.

F. Recount and recheck reconciliation procedures.

(1) Upon completion of a recount, the district judge or presiding judge shall tabulate the total vote count from the machine generated tapes or reports and the tally sheets from the hand recount.

(2) The county clerk or secretary of state in a statewide race shall compare the results of each recount or recheck to the results of the county or statewide canvass. County clerks shall make available to the public and provide to the secretary of state the results of the recount or recheck within five days of the completion of the recount or recheck. The secretary of state shall combine the county files and place the results on the secretary of state's website.

(3) Pursuant to Subsection A of Section 1-14-18 NMSA 1978, the recount precinct board shall send the certificate of recount or recheck executed pursuant to Subsection D of Section 1-14-16 NMSA 1978 to the proper canvassing board.

(4) In the event of a recount or recheck conducted pursuant to Section 1-14-14 NMSA 1978, if no error or fraud appears to be sufficient to change the winner, the county clerk may provide documentation of costs to the secretary of state, or directly to the candidate, for reimbursement from the money provided pursuant to Section 1-14-15 NMSA 1978.

[1.10.23.10 NMAC - Rn & A/E, 1.10.22.11 & 12 NMAC, 10/2/2008; A/E, 11/3/2008; A/E, 10/15/2010; A, 4/7/2020]

1.10.23.11 CONTEST PROCEDURES:

A. An election contest shall be conducted pursuant to the provisions of the Election Code under Sections 1-14-1 *et seq*. NMSA 1978.

B. In any election contest the court may order the re-tallying of ballots. The county clerk shall provide tally sheets for the purpose of the contest.

C. In any election contest the court may order comparison of results cartridges from any optical scan vote tabulating systems.

D. No rejected ballot subject to review in an election contest shall be disqualified solely because the signature on the outer envelope or affidavit contains an abbreviated name, lack of a middle initial, or lack of a suffix, provided that the voter can be identified with information provided on the outer envelope or voter's affidavit.

E. If a tally of qualified provisional or other ballots is required in an election contest, the court may summon the county clerk to re-tally all qualified provisional or other ballots and review all rejected provisional or other ballots pursuant to Subsection D of 1.10.23.10 NMAC.

[1.10.23.11 NMAC - Rn & A/E, 1.10.22.13 NMAC, 10/2/2008]

1.10.23.12 [RESERVED]

[1.10.23.12 NMAC - N/E, 11/3/2008; Repealed, 4/7/2020]

1.10.23.13 [RESERVED]

[1.10.23.13 NMAC - N/E, 12/2/2014; Repealed, 4/7/2020**]**

HISTORY OF 1.10.23 NMAC:

Pre-NMAC History: None

History of Repealed Material:

1.10.22 NMAC, Provisional Voting Security, filed 8/1/2003 - Repealed effective 4/28/2006.

NMAC History:

1.10.22 NMAC, Provisional Voting, Recounting and Security, filed 4/17/2006.

1.10.23 NMAC, Procedures for Recounts, Audits, Rechecks and Contests, filed 8/2/2008, replaces those portions of 1.10.22 NMAC, Provisional Voting, effective 8/2/2008.

2022 GENERAL ELECTION
Post-Election Voting System Check

A post-election voting system check, or "audit," is conducted after every General Election to check the accuracy of the vote tabulators used during the election by comparing a hand count of select precincts to the machine tabulated results.

The voting system check shall be conducted for all federal offices, for the statewide elective office, for which the winning candidate **won by the smallest percentage margin** of all candidates for statewide office in New Mexico.

Section 1-14-13.2, NMSA 1978 contains a table that is used to determine the number of precincts to be included in the audit depending upon the winning margin. The smaller the margin of victory between the two candidates, the large the precinct sampling will be.

Legal Resources:

- Section 1-14-13.2, NMSA 1978
- NMAC 1.10.23

Secretary of State:

- Shall issue administrative rule for the conduct and procedures of the post-election voting system check – NMAC 1.10.23.
- Contract with an auditor to conduct the system check.
- Cover the costs of the post-election voting system check.
- Post notice on the SOS website to the public of when auditor will perform random sampling of precincts to be included in the audit.
- Publicly post results of the audit on the SOS website.

Auditor

- Select a random sample of precincts no later than 12 business days after the election according to the table in Section 1-14-13.2.
- Notify the county clerks that have precincts selected to perform the audit. Notice shall be sent no later than 13 business days after the election.
- Provide the county clerks with guidance and tally sheets to be used to perform the audit.
- Analyze the results of the audit by comparing the hand count to the machine tabulated results. Depending upon the results of the audit, further sampling may be required up to a full hand count, as outlined in NMAC 1.10.23.
- Prepare a final report of the results of the audit.

County Clerk

- Perform the audit within 10 calendar days upon receiving notice from the auditor of

the chosen precincts. All machine counted ballots in the precinct including Absentee, Early, and Election Day must be included in the audit.

- Review all procedures outlined in NMAC 1.10.23. Here is a quick reference overview.

1. Select a location for the voting system check that is accessible to the public.
    - Please consider the ability to social distance when selecting your location.
2. Publish public notice of the time and location of the system check at least three days in advance.
    - Post in at least one conspicuous place in the county.
    - Post on county website.
3. Locate the ballot boxes containing the ballots to be audited.
    - Dominion can assist with RTR reports to locate ballots by tabulator/precinct.
4. Open ballot boxes – 1-14-13.2, NMSA 1978 a court order is not needed to open the ballot boxes, however a district judge or their designee must be present when opening the boxes.
    - The County Clerk and at least one witness shall open the ballot boxes and sort out the precincts included in the audit.
    - Use appropriate chain of custody logging to track and document all ballot movement.
    - The number of ballots in each box should be counted and compared to the expected number.
    - Log all discrepancies.
5. Hand count ballots
    - The County Clerk must assign hand counting teams of at least two (reader and marker) but preferably three individuals. The third individual, if present, will verify the actions of the reader and the marker.
    - Team members should be from differing political parties, if possible.
    - Fill out tally sheet completely.
    - The procedures for accurate hand tallying are fully outlined in NMAC 1.10.23 and NM
    - Discrepancies must be logged.
    - Use 1-1-5.2, NMSA 1978 to determine whether to count ambiguous marks. In no case shall the counting team mark or re-mark ballots.
    - Tally must include overvotes and undervotes.
6. Submit hand tally sheets to the auditor within 10 calendar days of receiving notice.
    - If the precincts are included in a recount, the county clerk shall report the results of the audit within 10 calendar days after the conclusion of the recount.
    - The auditor will determine whether further audits will be required based upon the analysis of the results.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, November 28, 2022 12:42 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; francisco.padilla@dominionvoting.com; Rick Sandoval; Ban Trinh
Subject: [EXTERNAL SENDER] RE: 2022 Post Election Machine Check
Attachments: Counties Precincts Selected.pdf

Attached is the complete list of precincts selected. Thanks!

From: Vigil, Mandy, SOS
Sent: Monday, November 28, 2022 11:37 AM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; 'Michelle S. Kavanaugh' <mkavanaugh@bernco.gov>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; francisco.padilla@dominionvoting.com; 'Rick Sandoval' <rick@zlscpa.com>; 'Ban Trinh' <ban@zlscpa.com>
Subject: RE: 2022 Post Election Machine Check

Good morning,

All counties that have precincts that were selected for the machine check have received a direct communication from Ban Trinh, CPA who is with Zlotnick and Sandoval the firm who will be conducting the independent check earlier this morning.

I have attached resources for your review and reference during this process. If you have any questions, please send them to our office at nm.clekrs@sos.nm.gov.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045 | mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

Please note new email address.

From: Vigil, Mandy, SOS
Sent: Sunday, November 20, 2022 4:21 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; francisco.padilla@dominionvoting.com; Rick Sandoval <rick@zlscpa.com>; Ban Trinh <ban@zlscpa.com>
Subject: 2022 Post Election Machine Check

Dear Clerks,

As you are aware, our state requires that a post-election voting system check take place after each general election. The post-election audit uses a statistical method to check the accuracy of the vote tabulators used during the general election by comparing a hand count of select precincts to the machine tabulated results. The number of voting precincts to be checked is based on the formula set out in 1-14-13.2, NMSA 1978, for federal offices, and statewide elective offices when the winning candidate won by the smallest percentage margin of all candidates for statewide offices in NM.

The random selection of voting precincts to be audited will occur this Tuesday, November 22, 2022, at 10:00 a.m. and will be conducted by an independent accounting firm, Zlotnick & Sandoval, PC. The selection process is public and interested parties may attend in person at the NM State Capitol Building, 490 Old Santa Fe Trail, Santa Fe, NM 87501 – Room 321 or via webcast.

The auditor will notify county clerks of precincts selected to be included in the voting system check via email on November 28, 2022. This notice starts the statutory clock for county offices to complete the machine check. ***Please note,*** participating counties must post notice 3 days in advance of the machine check tasks being conducted and results must be reported back to the auditor within 10 days of receiving notice (December 8). If the precincts are included in a recount, the county clerk shall report the results of the audit within 10 days after the conclusion of the recount.

While we don't know which counties will participate in the post-election audit, our office recommends that each county review the above-referenced statute, along with 1.10.23 NMAC. Formal procedures will be forthcoming. In the meantime, please contact our office if you have any questions. I have also included a calendar planning document for your reference. Please reach out with any questions.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045 | mandy.vigil@sos.nm.gov
Follow us on Facebook + Twitter

Please note new email address.

	NEW MEXICO SECRETARY OF STATE						
	VOTING SYSTEM CHECK						
	COUNTIES AND PRECINCTS SELECTED FOR VOTING SYSTEM CHECK						
	The following precincts were selected for the voting system check for the November 8, 2022 general election:						
				5	109	10	13
#	**County**	**Precinct #**	**Congressional District**	**US Rep Dist 1**	**US Rep Dist 2**	**Gov. & Lt. Gov**	**SC Justice Position 1**
1	Bernalillo	PCT 001	DISTRICT 2		X		
2	Bernalillo	PCT 034	DISTRICT 2		X		
3	Bernalillo	PCT 035	DISTRICT 2		X		
4	Bernalillo	PCT 037	DISTRICT 2		X		
5	Bernalillo	PCT 045	DISTRICT 2		X		
6	Bernalillo	PCT 050	DISTRICT 2		X		
7	Bernalillo	PCT 055	DISTRICT 2		X		
8	Bernalillo	PCT 056	DISTRICT 2		X		
9	Bernalillo	PCT 058	DISTRICT 2		X		
10	Bernalillo	PCT 066	DISTRICT 2		X		
11	Bernalillo	PCT 070	DISTRICT 2		X		
12	Bernalillo	PCT 073	DISTRICT 2		X		
13	Bernalillo	PCT 075	DISTRICT 2		X		
14	Bernalillo	PCT 085	DISTRICT 2		X		
15	Bernalillo	PCT 092	DISTRICT 2		X		
16	Bernalillo	PCT 096	DISTRICT 2		X		
17	Bernalillo	PCT 099	DISTRICT 2		X		
18	Bernalillo	PCT 112	DISTRICT 2		X		
19	Bernalillo	PCT 118	DISTRICT 2		X		
20	Bernalillo	PCT 229	DISTRICT 2		X		
21	Bernalillo	PCT 231	DISTRICT 2		X		
22	Bernalillo	PCT 264	DISTRICT 2		X		
23	Bernalillo	PCT 307	DISTRICT 1	X		X	X
24	Bernalillo	PCT 348	DISTRICT 1	X		X	X
25	Bernalillo	PCT 380	DISTRICT 1	X		X	X
26	Bernalillo	PCT 588	DISTRICT 1	X			
27	Bernalillo	PCT 619	DISTRICT 2		X		
28	Bernalillo	PCT 620	DISTRICT 2		X		
29	Bernalillo	PCT 628	DISTRICT 2		X		
30	Bernalillo	PCT 630	DISTRICT 2		X		
31	Bernalillo	PCT 634	DISTRICT 1	X			X
32	Bernalillo	PCT 635	DISTRICT 2		X		
33	Bernalillo	PCT 636	DISTRICT 2		X		
34	Catron	PCT 004	DISTRICT 2		X		
35	Cibola	PRECINCT 004	DISTRICT 2		X		

#	County	Precinct #	Congressional District	US Rep Dist 1	US Rep Dist 2	Gov. & Lt. Gov	SC Justice Position 1
36	Cibola	PRECINCT 010	DISTRICT 2		X		
37	Cibola	PRECINCT 024	DISTRICT 2		X		
38	Cibola	PRECINCT 025	DISTRICT 2		X		
39	Cibola	PRECINCT 029	DISTRICT 2		X		
40	Dona Ana	PRECINCT 007	DISTRICT 2		X		
41	Dona Ana	PRECINCT 009	DISTRICT 2		X		
42	Dona Ana	PRECINCT 014	DISTRICT 2		X		
43	Dona Ana	PRECINCT 015	DISTRICT 2		X		
44	Dona Ana	PRECINCT 017	DISTRICT 2		X		
45	Dona Ana	PRECINCT 019	DISTRICT 2		X		
46	Dona Ana	PRECINCT 024	DISTRICT 2		X	X	X
47	Dona Ana	PRECINCT 026	DISTRICT 2		X		
48	Dona Ana	PRECINCT 028	DISTRICT 2		X		
49	Dona Ana	PRECINCT 032	DISTRICT 2		X		
50	Dona Ana	PRECINCT 033	DISTRICT 2		X		
51	Dona Ana	PRECINCT 036	DISTRICT 2		X		
52	Dona Ana	PRECINCT 043	DISTRICT 2		X		
53	Dona Ana	PRECINCT 053	DISTRICT 2		X		
54	Dona Ana	PRECINCT 055	DISTRICT 2		X		
55	Dona Ana	PRECINCT 062	DISTRICT 2		X		
56	Dona Ana	PRECINCT 064	DISTRICT 2		X		
57	Dona Ana	PRECINCT 098	DISTRICT 2		X		
58	Dona Ana	PRECINCT 100	DISTRICT 2		X		
59	Dona Ana	PRECINCT 110	DISTRICT 2		X		
60	Dona Ana	PRECINCT 111	DISTRICT 2		X		
61	Dona Ana	PRECINCT 113	DISTRICT 2		X		
62	Dona Ana	PRECINCT 116	DISTRICT 2		X		
63	Dona Ana	PRECINCT 121	DISTRICT 2		X		
64	Dona Ana	PRECINCT 122	DISTRICT 2		X		
65	Dona Ana	PRECINCT 128	DISTRICT 2		X		
66	Dona Ana	PRECINCT 129	DISTRICT 2		X		
67	Dona Ana	PRECINCT 130	DISTRICT 2		X		
68	Dona Ana	PRECINCT 131	DISTRICT 2		X		
69	Dona Ana	PRECINCT 138	DISTRICT 2		X		
70	Dona Ana	PRECINCT 139	DISTRICT 2		X		
71	Dona Ana	PRECINCT 142	DISTRICT 2		X		
72	Dona Ana	PRECINCT 151	DISTRICT 2		X		
73	Dona Ana	PRECINCT 152	DISTRICT 2		X		
74	Dona Ana	PRECINCT 155	DISTRICT 2		X		
75	Dona Ana	PRECINCT 158	DISTRICT 2		X		
76	Dona Ana	PRECINCT 159	DISTRICT 2		X		
77	Dona Ana	PRECINCT 163	DISTRICT 2		X		

#	County	Precinct #	Congressional District	US Rep Dist 1	US Rep Dist 2	Gov. & Lt. Gov	SC Justice Position 1
78	Dona Ana	PRECINCT 168	DISTRICT 2		X		
79	Dona Ana	PRECINCT 169	DISTRICT 2		X		
80	Dona Ana	PRECINCT 171	DISTRICT 2		X		
81	Dona Ana	PRECINCT 175	DISTRICT 2		X		
82	Dona Ana	PRECINCT 181	DISTRICT 2		X		
83	Dona Ana	PRECINCT 182	DISTRICT 2		X		
84	Eddy	PRECINCT 29	DISTRICT 2		X		
85	Eddy	PRECINCT 33	DISTRICT 2		X		
86	Eddy	PRECINCT 54	DISTRICT 2		X		
87	Grant	PRECINCT 001	DISTRICT 2		X		
88	Grant	PRECINCT 007	DISTRICT 2		X		
89	Grant	PRECINCT 023	DISTRICT 2		X		X
90	Grant	PRECINCT 029	DISTRICT 2		X	X	X
91	Grant	PRECINCT 036	DISTRICT 2		X		
92	Hidalgo	PRECINCT 4 - VIRDEN	DISTRICT 2		X		
93	Lea	PRECINCT 050	DISTRICT 2		X	X	X
94	Luna	PRECINCT 006	DISTRICT 2		X		
95	Luna	PRECINCT 018	DISTRICT 2		X		
96	McKinley	PRECINCT 27	DISTRICT 2		X		
97	McKinley	PRECINCT 43	DISTRICT 3			X	X
98	Otero	PRECINCT 07	DISTRICT 2		X		
99	Otero	PRECINCT 09	DISTRICT 2		X		
100	Otero	PRECINCT 11	DISTRICT 2		X		
101	Otero	PRECINCT 20	DISTRICT 2		X		
102	Otero	PRECINCT 29	DISTRICT 2		X		
103	Otero	PRECINCT 30	DISTRICT 2		X		
104	Otero	PRECINCT 35	DISTRICT 2		X		
105	Otero	PRECINCT 38	DISTRICT 2		X		
106	Otero	PRECINCT 43	DISTRICT 2		X		
107	Santa Fe	PRECINCT 026	DISTRICT 3			X	X
108	Santa Fe	PRECINCT 126	DISTRICT 3				X
109	Sierra	PRECINCT 002	DISTRICT 2		X		
110	Socorro	PRECINCT 005	DISTRICT 2		X		
111	Socorro	PRECINCT 007	DISTRICT 2		X		
112	Taos	PRECINCT 047	DISTRICT 3			X	X
113	Union	PRECINCT 001	DISTRICT 3			X	X
114	Valencia	PRECINCT 12	DISTRICT 2		X		
115	Valencia	PRECINCT 13	DISTRICT 2		X		
116	Valencia	PRECINCT 43	DISTRICT 2		X		
117	Valencia	PRECINCT 51	DISTRICT 2		X		
118	Valencia	PRECINCT 53	DISTRICT 2		X		
119	Valencia	PRECINCT 54	DISTRICT 2		X		

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Wednesday, November 2, 2022 4:46 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] RE: Absentee Applications - NMVote.org

Hello everyone,

Correction on the time. The absentee portal will close tomorrow at **11:59pm.**

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Wednesday, November 2, 2022 4:38 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Juan E. Torres <jetorres@santafecountynm.gov>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>
Subject: Absentee Applications - NMVote.org

Good afternoon Everyone,

Just wanted to send a friendly reminder that tomorrow (11/3/22) is the last day voters can request for an absentee ballot in accordance with 1-6-5.F. The ability for voters to requested for an absentee ballot on NMVote.org is scheduled to close at 11:59am, tomorrow. Please ensure you process any applications that are received in your home queue overnight on Friday, and get ballots sent out that day. Thank you all for your hard work, we are in the home stretch.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

curryelections@currycounty.org

From: Taco Box <tom388101@gmail.com>
Sent: Friday, October 7, 2022 9:41 PM
To: Annie Hogland
Subject: [EXTERNAL SENDER] Re: Absentee Register Information

Annie,
Got it! Thanks. not sure why I could not see on my phone but made it to my home computer.

tom

On Fri, Oct 7, 2022 at 3:30 PM Annie Hogland <ahogland@currycounty.org> wrote:

> Be advised, the system will automatically send the Absentee Register to you up to 3 times a day. I believe the first day (October 11) will generate, and send, once at 12:00pm; however, beginning October 12, the system will generate and send the report at 6:00am, 12:00pm, and 6:00pm, every day, for the remainder of the election.
>
> The Absentee Register emails will come from sender "NM SERVIS" (*sos.elections@state.nm.us*)3Please note, those who vote early in person also appear on this list, so we recommend sorting by "Application Source" Column first.
>
> Thank you,
> *Annie Hogland*
> Curry County Clerk
> 417 Gidding, Suite 130
> Clovis NM 88101
> (575) 763-5591
> (575) 763-4232 (fax)

curryelections@currycounty.org

From: Daniel A. Ivey-Soto <daniel@vandelay.solutions>
Sent: Tuesday, August 16, 2022 3:32 PM
To: Annie Hogland
Cc: Stephen@vandelay.solutions
Subject: [EXTERNAL SENDER] Re: ClerkList Email Membership

Hola!!

I removed the following from the ClerkList:

awylie@currycounty.org
jwilson@currycounty.org

You and Adrian are the only members of the ClerkList from Curry County.

-- Daniel.

On Aug 12, 2022, 11:37 AM -0600, Annie Hogland <ahogland@currycounty.org>, wrote:

> Good Morning,
>
> My office would like to confirm only the following two emails are on the list to receive ClerkList emails:
> ahogland@currycounty.org - (Annie Hogland)
> aancira@currycounty.org - (Adrian Ancira)
>
> **Any other email addresses associated with *currycounty.org* should be removed.** We're going through a transition period with staff. In the future, we may reach out to request others be added, but for now, I would like only Adrian and myself to be on the list.
>
> In case it is helpful, others who may be currently on the list, that should be removed: mjesko@currycounty.org; jwilson@currycounty.org; awylie@currycounty.org; slawson@currycounty.org.
>
> Thank you for your time, assistance, and for hosting the list service!
>
> *Annie Hogland*
> Curry County Clerk
> 417 Gidding, Suite 130
> Clovis NM 88101
> (575) 763-5591
> (575) 763-4232 (fax)

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, November 12, 2022 2:54 PM
To: Chinana, Charlotte, SOS; SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com
Subject: [EXTERNAL SENDER] RE: "Election Geek Speak" Slides / SOS State Canvass Timeline / Canvass Reminders

Hi all,

For those of you that have completed your canvass tasks, please lock you election in SERVIS. You do not need to wait until your Board meets to lock. This will give us the greenlight to start pulling your SERVIS canvass reports for our review.

Thank you!

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Thursday, November 10, 2022 4:38 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com
Subject: "Election Geek Speak" Slides / SOS State Canvass Timeline / Canvass Reminders

Good afternoon,

Attached is a copy of the slide deck for the clerk call this morning, as well as the SOS-BOE staff's state canvass timeline. As mentioned on the call, our team will be working through the weekend on inventory and 1st reviews, with the intention of reaching out to folks with any clarifying questions beginning on Monday, November 11. Please remember to lock your election when you are finished; SOS will pull reports and start our reviews once you have completed your canvass.

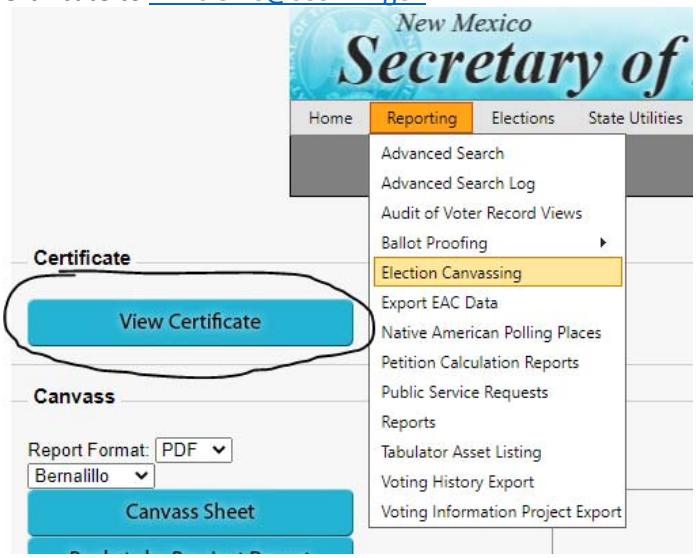
If you haven't already done so, please send us the date that your county canvass board will meet to certify results: nm.clerks@sos.nm.gov.

- Please remember that in accordance with 1-13-13, "The county canvassing board shall meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than ten days from the date of the election. A county canvassing board in a county with more than one hundred fifty thousand voters shall meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than thirteen days from the date of the election."

Additional Canvass Reminders:

1) Please ensure to send the signed, electronic (scanned) copy of your "certification of canvass results" after the board of canvass meeting. To find the certificate in SERVIS, please go to, Reporting > Election Canvassing > click

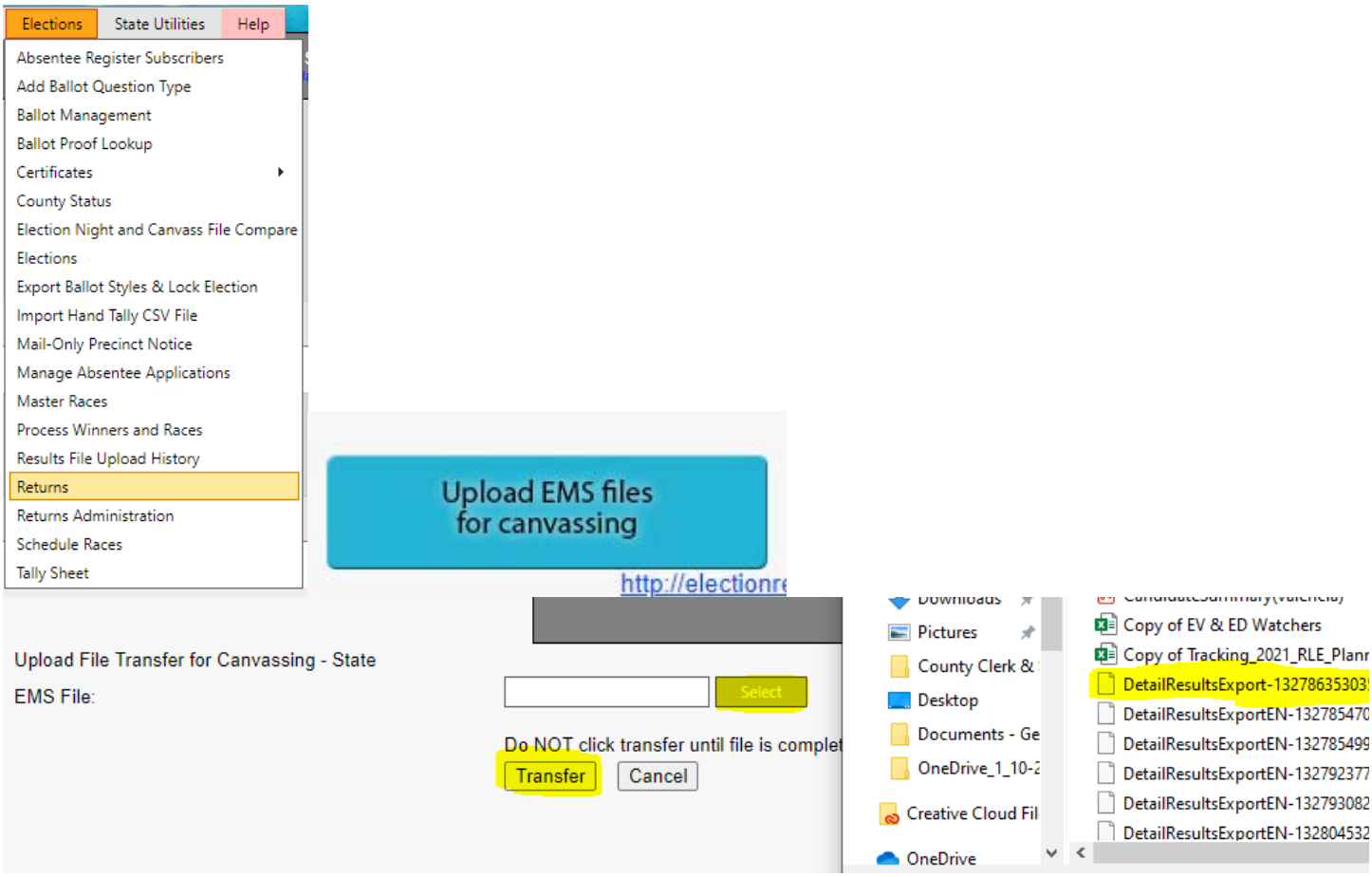
on “View Certificate” button. This will generate the certificate that the board of canvass will need to sign. Send signed certificate to nm.clerks@sos.nm.gov.



2) Please send any amended Roster Reports, Hand Tally Sheets, Write-In Tally Sheets, and Provisional Tally Sheets to nm.clerks@sos.nm.gov, as soon as you are able to do so (ensure that any amended reports are signed by the election board).

3) We will need a point of contact for any canvass related questions we have; please let us know who is the best point of contact during business hours (name/phone number), and the best point of contact after hours/weekends (if different). I will be monitoring the helpdesk tomorrow/this weekend and will be your best point of contact if you have any questions: 505-827-3623.

4) Lastly, if you have not loaded your “detail results export” file for canvass into SERVIS, please do so as soon as possible. In SERVIS > Elections > Returns > Select “Upload EMS Files for canvassing” button > click on “select” button > find the detail results file for canvassing (note: detail results export file without “EN” in the file name, see screenshot below) > wait for file to load > then click transfer.



Thank you all – and have a peaceful evening! (And for those of you who are finished with your canvass, have a wonderful weekend!)

--

PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, November 7, 2022 2:22 PM
To: Lopez, Tracy, SOS; SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] RE: IMPORTANT: Mock Election Complete: Clear Results (2022 General)

To be clear, please provide the following to nmclers@sos.nm.gov. Thanks!

1) Dominion RTR Server report- each county submits a signed and dated, RTR zero report to the Secretary of State - BOE by email at nm.clerks@sos.nm.gov.
2) RTR server air gapped– Each county sends a photo to nm.clerks@sos.nm.gov verifying that RTR server is not connected to the network.
3) Secure USB wipe – Each county must wipe the secure USB by putting it in R/W mode and placing it in the RTR server (procedure is attached).
    a. Counties must sign an affidavit stating that USB has been wiped
4) Return completed items to nm.clerks@sos.nm.gov.

From: Lopez, Tracy, SOS <Tracy.Lopez@sos.nm.gov>
Sent: Monday, November 7, 2022 1:53 PM
To: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: RE: IMPORTANT: Mock Election Complete: Clear Results (2022 General)

Please make sure to also send in your USB Wipe AOC (Attestation of Compliance) to sos.esp@sos.nm.gov if you already haven't.

Tracy

Please note new email address.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Tracy Lopez, Elections Security Program Manager
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.396.0106
Tracy.Lopez@sos.nm.gov

Follow us on Facebook + Twitter

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, November 7, 2022 1:44 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lopez, Tracy, SOS <Tracy.Lopez@sos.nm.gov>; Rockstroh, Gregory, SOS <Gregory.Rockstroh@sos.nm.gov>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>
Subject: IMPORTANT: Mock Election Complete: Clear Results (2022 General)
Importance: High

Hi all,

Thank you to all of you that have provided the information requested. We still have a few counties outstanding.

Please complete the required tasks and provide confirming information by 3pm today.

You're welcome to reach out to our team if you have any questions.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Wednesday, November 2, 2022 4:11 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Juan E. Torres <jetorres@santafecountynm.gov>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; Rockstroh, Gregory, SOS <Gregory.Rockstroh@sos.nm.gov>; Frostad, Naomba, SOS <Naomba.Frostad@sos.nm.gov>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Romero, Charles, SOS <Charles.Romero@sos.nm.gov>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: Mock Election Complete: Clear Results (2022 General)

Good afternoon,

Thank you all for your participation in the Mock Election. We have concluded our review of the results, and in preparation for Election Day, we will need you all to complete the four tasks listed below. The four tasks will need to be completed as soon as possible but no later than Friday, November 4, 2022.

1) Dominion RTR Server report- each county submits a signed and dated, RTR zero report to the Secretary of State - BOE by email at nm.clerks@sos.nm.gov.

2) RTR server air gapped– Each county sends a photo to nm.clerks@sos.nm.gov verifying that RTR server is not connected to the network.
3) Secure USB wipe – Each county must wipe the secure USB by putting it in R/W mode and placing it in the RTR server (procedure is attached).
    a. Counties must sign an affidavit stating that USB has been wiped
4) Return completed items to nm.clerks@sos.nm.gov.

Let us know if you have any clarifying questions. Have a wonderful evening!

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

curryelections@currycounty.org

From: Lopez, Tracy, SOS <Tracy.Lopez@sos.nm.gov>
Sent: Monday, November 7, 2022 1:53 PM
To: Vigil, Mandy, SOS; SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] RE: IMPORTANT: Mock Election Complete: Clear Results (2022 General)

Please make sure to also send in your USB Wipe AOC (Attestation of Compliance) to sos.esp@sos.nm.gov if you already haven't.

Tracy

Please note new email address.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Tracy Lopez, Elections Security Program Manager
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.396.0106
Tracy.Lopez@sos.nm.gov

Follow us on Facebook + Twitter

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, November 7, 2022 1:44 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lopez, Tracy, SOS <Tracy.Lopez@sos.nm.gov>; Rockstroh, Gregory, SOS <Gregory.Rockstroh@sos.nm.gov>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>
Subject: IMPORTANT: Mock Election Complete: Clear Results (2022 General)
Importance: High

Hi all,

Thank you to all of you that have provided the information requested. We still have a few counties outstanding.

Please complete the required tasks and provide confirming information by 3pm today.

You're welcome to reach out to our team if you have any questions.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Wednesday, November 2, 2022 4:11 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Juan E. Torres <jetorres@santafecountynm.gov>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; Rockstroh, Gregory, SOS <Gregory.Rockstroh@sos.nm.gov>; Frostad, Naomba, SOS <Naomba.Frostad@sos.nm.gov>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Romero, Charles, SOS <Charles.Romero@sos.nm.gov>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>
Subject: Mock Election Complete: Clear Results (2022 General)

Good afternoon,

Thank you all for your participation in the Mock Election. We have concluded our review of the results, and in preparation for Election Day, we will need you all to complete the four tasks listed below. The four tasks will need to be completed as soon as possible but no later than Friday, November 4, 2022.

1) Dominion RTR Server report- each county submits a signed and dated, RTR zero report to the Secretary of State - BOE by email at nm.clerks@sos.nm.gov.
2) RTR server air gapped– Each county sends a photo to nm.clerks@sos.nm.gov verifying that RTR server is not connected to the network.
3) Secure USB wipe – Each county must wipe the secure USB by putting it in R/W mode and placing it in the RTR server (procedure is attached).
    a. Counties must sign an affidavit stating that USB has been wiped
4) Return completed items to nm.clerks@sos.nm.gov.

Let us know if you have any clarifying questions. Have a wonderful evening!

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623

charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, October 22, 2022 6:57 PM
To: Clark, Katharine; SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com; David Davoust; Aaron Davis, Robis; Ernie Marquez; Enrique Baca
Subject: [EXTERNAL SENDER] RE: IMPORTANT UPDATE: Weekend Voting Support Information

Good evening, all,

All systems continue to be stable.

The absentee register was not sent out today. We are working with BOD vendors to confirm all data is current. We intend to resume the usual schedule of the absentee register beginning at 6am tomorrow morning.

I hope you can get some rest tomorrow. Please reach out if you have any questions or would like to discuss any concerns.

Thank you,
Mandy

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, October 22, 2022 10:45 AM
To: Clark, Katharine <kclark@santafecountynm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: IMPORTANT UPDATE: Weekend Voting Support Information
Importance: High

Hi all,

All systems are back up and functioning as expected. SERVIS and SDR processes are no longer experiencing any interruptions. You may proceed with SDRs transactions through the portal. Please share with your teams and polling sites and let us know if you experience any issues.

We will be monitoring constantly and will alert you with any updates.

I appreciate you all.

Best,
Mandy

From: Vigil, Mandy, SOS
Sent: Saturday, October 22, 2022 9:19 AM
To: Clark, Katharine <kclark@santafecountynm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: RE: IMPORTANT UPDATE: Weekend Voting Support Information

The autogenerated absentee register will not go out until SERVIS is back up and data is synced.

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, October 22, 2022 9:11 AM
To: Clark, Katharine <kclark@santafecountynm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: RE: IMPORTANT UPDATE: Weekend Voting Support Information

Hi all,

Based on questions received I wanted to provide clarity as to why the in person voting process may move forward as usual. **BOD systems independently track voters (roster) and assign voter credit throughout the polling locations within each county.** Once the connectivity to SERVIS is restored the data exchange process will update SERVIS to sync with BOD data.

Since you are unable to access SERVIS for any voter research, I wanted to remind you that you may access voter data directly through your BOD system dashboard in your office. You may reach out to your assigned technician for assistance, if needed.

Again, all polling location should move forward with in person voter services except for the manual provisional being offered to anyone requesting SDR. It is important to mark the reason as SDR and have the voter complete the registration information and sign for future processing and qualification.

Please reach out to me if you have any questions.

Thank you,
Mandy

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Saturday, October 22, 2022 8:47 AM
To: Clark, Katharine <kclark@santafecountynm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>;

Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: IMPORTANT UPDATE: Weekend Voting Support Information
Importance: High

Good morning,

We have received reports and confirmed that we are experiencing a system issue. The SOS IT team, and DoIt are actively investigating the problem.

- **All in person voting services will still operate through the BOD**: No interruption and no action needed at this time.
- **SDR processing through SERVIS is interrupted** – Please follow the manual provisional process at this time.

As always, please feel free to call me to discuss and I will update as soon as we are back online.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

From: Katharine E. Clark <kclark@santafecountynm.gov>
Sent: Saturday, October 22, 2022 6:54 AM
To: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: [EXTERNAL] RE: Weekend Voting Support Information

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

Hi. I'm trying to login to SERVIS and it says "site can't be reached". Are you doing maintenance or should I be worried? Can someone look into it for me?

Katharine E. Clark
County Clerk

Santa Fe County, New Mexico
505.986.6280 Office
505.490.3514 Mobile

100 Catron Street/PO Box 1985
Santa Fe, New Mexico 87501

From: Vigil, Mandy, SOS [mailto:Mandy.Vigil@sos.nm.gov]
Sent: Friday, October 21, 2022 4:30 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez <emarquez@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: Weekend Voting Support Information

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

County Clerk Teams:

Please call Charles, Charlotte, or I if you need any assistance tomorrow. We will be in a "shift" support mode, so if you need assistance, please note the time you are calling and reach out to the respective person. As usual, please continue to submit emails to nm.clerks@sos.nm.gov for any issues. We will have IT support staff for technical issues, should any arise. Thank you for all you do.

SOS Weekend Voting Support Information:

- Primary points of contact for weekend support are:
  - Charles Cell phone: 505-819-7628 **(7:30 am to 11:30 am)**
  - Mandy Cell phone: 505-660-4045 **(11:30 am to 3:30 pm)**
  - Charlotte Cell phone: 505-819-7623 **(3:30 am to 7:30 pm)**

Please note:

- You are always welcome to reach out to me anytime outside of the designated shift window.
- All counties that have approved watchers have received individual notifications our office.
  - If you have not received a list, we have not received a request for watcher in your county.
    - Watchers = SOS approval 7 days prior to serving as a watcher (Review sections 1-2-25 & 1-2-27 & 1-2-30)
    - Challenger = Party chair appointment (Review sections 1-2-21 through 1-2-26)

Wishing you all a great day of voting tomorrow. Happy Friday!

Best,

Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Lamb, William, SOS <William.Lamb1@state.nm.us>
Sent: Wednesday, October 5, 2022 5:30 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Romero, Charles, SOS; Vigil, Mandy, SOS; Chinana, Charlotte, SOS; Rockstroh, Gregory, SOS; Frostad, Naomba, SOS
Subject: [EXTERNAL SENDER] RE: Manage Absentee Applications

For further clarification counties may prep batches ahead of Tuesday the 11th, but the "Date ballots will be sent" field should not be marked with dates prior to the 11th, for regular/non-UOCAVA ballots.

Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

William Lamb | IT Business Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Mobile: (505) 469-4375
william.lamb1@state.nm.us

Follow us on Facebook + Twitter

From: Lamb, William, SOS
Sent: Wednesday, October 5, 2022 5:10 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>
Cc: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>; Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>; Rockstroh, Gregory, SOS <Gregory.Rockstroh@sos.nm.gov>; Frostad, Naomba, SOS <Naomba.Frostad@sos.nm.gov>
Subject: Manage Absentee Applications

Good afternoon,

We wanted to let you all know that the “Create Mailing” button and the “Date ballots will be sent” field are now available on the Manage Absentee Applications screen. Please be cognizant of selecting the appropriate date when processing batches, as the first day of Early Voting and mailing Absentee ballots is 10/11/22.

If you have any questions, please feel free to reach out to our office.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

William Lamb | IT Business Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Mobile: (505) 469-4375
william.lamb1@state.nm.us

Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Tuesday, October 11, 2022 2:21 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Vigil, Mandy, SOS; Chinana, Charlotte, SOS; Lamb, William, SOS; Rockstroh, Gregory, SOS
Subject: [EXTERNAL SENDER] RE: SDR presentation and SERVIS Slowness

Good Afternoon Everyone,

Shortly after sending this email, the SERVIS slowness issue resolved itself. DoIT along with our IT team are still investigating why this happened.

Thank you,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Romero, Charles, SOS
Sent: Tuesday, October 11, 2022 10:07 AM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>; Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Rockstroh, Gregory, SOS <Gregory.Rockstroh@sos.nm.gov>
Subject: SDR presentation and SERVIS Slowness

Hello Everyone,

I have attached the SDR presentation from last week for your reference.

There are reports that SERVIS is running very slow. Our IT team is fully aware of the problem and working to get to the bottom of this. Thank you for your patience and making our office aware of the problem. We will send an update once more information is available.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charles Romero | Elections Program Coordinator

New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Tuesday, October 18, 2022 12:22 PM
To: Vigil, Mandy, SOS; SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Bureau of Elections; Lamb, William, SOS; Rockstroh, Gregory, SOS; Aaron Davis, Robis; 'David Davoust'; Ernie Marquez, AES; Adrian Leyva; Enrique Baca
Subject: [EXTERNAL SENDER] RE: System Reports

Good Afternoon County Clerks,

There will be an outage until 1pm with SERVIS and other related services as our office performs a reboot to our CPU. The SERVIS web server is unresponsive at the moment and therefore the reboot is necessary to resolve this unresponsiveness. The IT Team is working aggressively to resolve the issues that we have faced in the past 2 days. We will provide updates as soon as they are made available. Thank you all for your hard work and patience.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, October 17, 2022 1:37 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>
Subject: System Reports
Importance: High

Hi all,

We have been made aware of intermittent system errors that have been reported when processing a voter registration record, specifically an SDR. Our office is actively investigating this report and resolution.

Please remind your teams that they should offer the individual a provisional ballot if they receive an error or are unable to utilize the automated SDR process at any time. Please ensure that the reason selected for the provisional ballot being issued is **Same Day Registration** so that you may use this to review/process the registration ahead of the provisional qualification.

Let us know if you have any questions at nmclerks@sos.nm.gov.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Monday, September 26, 2022 3:39 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: SOS-Leadership; SOS-Bureau of Elections; Vigil, Mandy, SOS; Lamb, William, SOS
Subject: [EXTERNAL SENDER] RE: Update: Eligible But Unregistered (EBU) Mailer

Good afternoon,

A couple of counties reached out re: numbers of mailers sent by county; here is an overview:

County	EBU Mailers Sent
Bernalillo	14,630
Catron	134
Chaves	1,646
Cibola	369
Colfax	252
Curry	2,391
De Baca	28
Doña Ana	5,393
Eddy	2,091
Grant	572
Guadalupe	77
Harding	16
Hidalgo	100
Lea	4,655
Lincoln	540
Los Alamos	390
Luna	720
McKinley	688
Mora	62
Otero	1,958
Quay	229
Rio Arriba	550
Roosevelt	687
San Juan	1,919
San Miguel	430
Sandoval	2,152
Santa Fe	3,267
Sierra	342
Socorro	404
Taos	625
Torrance	282

Union	119
Valencia	1,502
Total	49,220

Thank you and have a wonderful week!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Friday, September 23, 2022 2:24 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Juan E. Torres <jetorres@santafecountynm.gov>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>; Lamb, William, SOS <William.Lamb1@state.nm.us>
Subject: Update: Eligible But Unregistered (EBU) Mailer

Good afternoon,

This week, the SOS began sending Eligible But Unregistered (EBU) notices (mailer) in accordance with our state's participation in ERIC. The postcard provides basic information on where to find voter registration resources and important election dates. 49,220 cards were sent statewide.

Attached is an FAQ document; please feel free to use this resource to assist in responding to constituent inquiries. This information is also available on the SOS website. The FAQ provides a visual of the postcard, larger print of the text, questions, and answers with links to the Voter Information Portal and SOS website. If you have any questions, please reach out to the SOS at NMClerks@state.nm.us.

Thank you and have a wonderful weekend!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Friday, October 21, 2022 10:23 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Bureau of Elections; SOS-Leadership; Lamb, William, SOS; Aaron Davis, Robis; David Davoust; Ernie Marquez, AES; Adrian Leyva; Enrique Baca; Francisco Padilla
Subject: [EXTERNAL SENDER] RE: UPDATE: System Performance Issues

Good morning, all,

I have good news to report this morning. The systems have remained stable throughout the night and this morning. We do not see a need for any additional voting or SDR contingences at this point. We would like to keep our planning call with you all this morning at 11am to provide a more detailed report and respond to any questions you may have.

Please try to attend or have a member of your team participate if possible.

Thanks,
Mandy

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Thursday, October 20, 2022 6:19 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; SOS-Leadership <SOS-Leadership@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Aaron Davis, Robis <adavis@robis.net>; David Davoust <ddavoust@robis.net>; Ernie Marquez, AES <emarquez@electionpeople.com>; Adrian Leyva <ALeyva@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>; Francisco Padilla <francisco.padilla@dominionvoting.com>
Subject: UPDATE: System Performance Issues

Good evening,

While troubleshooting the intermittent performance issue this afternoon, we successfully cleared the condition. Along with our state and vendor partners, we will continue to monitor throughout the evening and we are prepared to react should the symptoms recur.

We understand the terrible timing of this and appreciate how stressful it has been for all of you and we are grateful for your understanding.

Have a good evening and we will chat tomorrow.

Best,
Mandy

> On Oct 20, 2022, at 1:19 PM, Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov> wrote:

Good afternoon,

In an effort to resolve the system issues we are experiencing; the election systems will be offline for 15mins. The outage will begin at 1:45pm and conclude by 2:00pm this afternoon. No action is needed from your teams but we wanted to make you aware.

Thank you all for your patience.

Best,
Mandy

From: Vigil, Mandy, SOS
Sent: Tuesday, October 18, 2022 5:47 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
Cc: SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; SOS-Leadership <SOS-Leadership@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Aaron Davis, Robis <adavis@robis.net>; David Davoust <ddavoust@robis.net>; Ernie Marquez, AES <emarquez@electionpeople.com>; Adrian Leyva <ALeyva@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>; Francisco Padilla <francisco.padilla@dominionvoting.com>
Subject: UPDATE: System Reports

Good evening all,

I wanted to provide you with an update on the intermittent system issues some of you may be experiencing.

The SOS's IT staff have been engaged throughout the day on the performance issues in our production hosting environment. We have involved DoIT, but thus far have not been able to isolate a root cause. They made some changes a little after 5 PM and will be monitoring throughout the evening to see if they have any effect on the symptoms. We are preparing to enlist the support of a vendor in the morning if these changes do not prove to be fruitful.

We are working on contingency plans should this persist. Wish we had better news, but wanted to share the current status because we know you are all deeply affected and concerned.

Best,
Mandy

> On Oct 18, 2022, at 12:22 PM, Romero, Charles, SOS <Charles.Romero@sos.nm.gov> wrote:
>
> Good Afternoon County Clerks,
>
> There will be an outage until 1pm with SERVIS and other related services as our office performs a reboot to our CPU. The SERVIS web server is unresponsive at the moment and therefore the reboot is necessary to resolve this unresponsiveness. The IT Team is

working aggressively to resolve the issues that we have faced in the past 2 days. We will provide updates as soon as they are made available. Thank you all for your hard work and patience.

Regards,

<image002.jpg>
Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, October 17, 2022 1:37 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>
Subject: System Reports
Importance: High

Hi all,

We have been made aware of intermittent system errors that have been reported when processing a voter registration record, specifically an SDR. Our office is actively investigating this report and resolution.

Please remind your teams that they should offer the individual a provisional ballot if they receive an error or are unable to utilize the automated SDR process at any time. Please ensure that the reason selected for the provisional ballot being issued is **Same Day Registration** so that you may use this to review/process the registration ahead of the provisional qualification.

Let us know if you have any questions at nmclerks@sos.nm.gov.

Thanks,
Mandy

<image003.jpg>

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Tuesday, October 18, 2022 10:34 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: Rockstroh, Gregory, SOS; Frostad, Naomba, SOS; Chinana, Charlotte, SOS; Lamb, William, SOS; Romero, Charles, SOS
Subject: [EXTERNAL SENDER] REMINDER: MOCK ELECTION FINAL ROUND
Attachments: Presentation_MockElectionOverview - Refresher for Counties_2022General.pdf

Good morning,

Thank you for your participation in mock election. We do have a few counties that have not participated in the first two rounds. Round 3 is the final round that will be conducted. If you have not participated, please plan to do so today and Wednesday.

Please feel free to reach out with questions via nmclerks@sos.nm.gov.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

From: Lamb, William, SOS <William.Lamb1@state.nm.us>
Sent: Thursday, September 29, 2022 4:52 PM
To: SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>
Cc: Rockstroh, Gregory, SOS <Gregory.Rockstroh@sos.nm.gov>; Frostad, Naomba, SOS <Naomba.Frostad1@state.nm.us>; Romero, Charles, SOS <Charles.Romero@state.nm.us>; Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>; Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Subject: Mock Election Refresher Presentation.

Good afternoon,

Thank you all for joining us at today's Mock Election Refresher. I have attached the presentation to this email for your reference as we head into Round 1 next week.
Please participate as soon and as often as you can.
If you have any questions, feel free to reach out to our office.

Mock Election Dates:

Round	Election Night Simulation	Canvass Simulation
Round 1	Tuesday, October 4, 2022; 3-5 pm	Wednesday, October 5, 2022; 3-5 pm
Round 2	Tuesday, October 11, 2022; 3-5 pm	Wednesday, October 12, 2022; 3-5 pm
Round 3	Tuesday, October 18, 2022; 3-5 pm	Wednesday, October 19, 2022; 3-5 pm

Thank you for all your hard work!

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

William Lamb | IT Business Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Mobile: (505) 469-4375
william.lamb1@state.nm.us

Follow us on Facebook + Twitter

Mock Election Overview 2022 General Election

September 29, 2022
New Mexico Secretary of State

Disclaimer: Please be advised that this document is a working document.
For the most current version, contact the Secretary of State office.

Overview

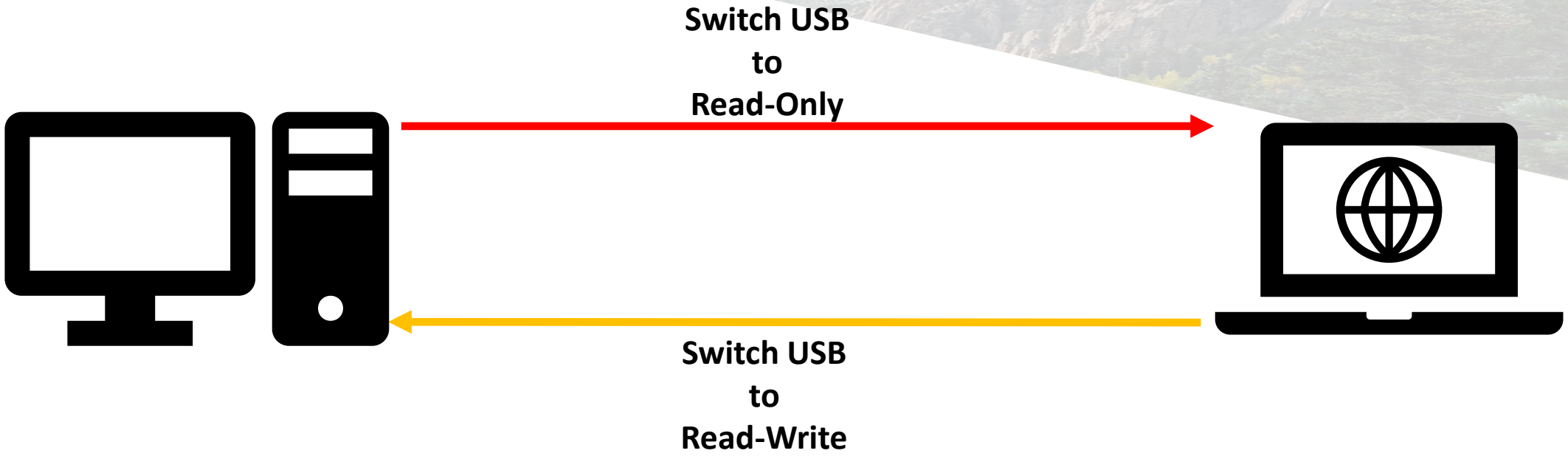
- Election Security
- General Information
- Goals
- Test Types
- Timeline
- SERVIS/Clerks Portal Overview
- Best Practices

Election Security

1) Laptops
2) USB Sticks

Practice using the laptop and USB stick during mock election to ensure familiarity.

Protecting the Dominion Server Air Gap



Dominion Server

SERVIS Computer

Removable Memory – Security Compatibility

	BALLOT TABULATOR	DOMINION SERVER	SERVIS ENR LAPTOP	Another Office Computer
Tabulator Memory Card	Allowed	Allowed	Prohibited	Prohibited
Secure USB Drive	N/A	Allowed	Allowed (Read-Only Mode)	Allowed (Read-Only Mode)

General Information

- Why Mock Election?
  - Mock Election follows machine certification per NMSA Sections 1-11-5 and 1-6-9.2
  - Main Goal: Ensure all processes/operations are functioning properly

- New Mexico Election Process:
  1) Mock Election
  2) Canvass Mock Election at the County and SOS level
  3) Election
  4) Election Canvass at the County and SOS level
  5) Automatic Recounts
  6) Post Election Voting System Check Audit

TheUpshot

Iowa Caucus Results Riddled With Errors and Inconsistencies

The mistakes do not appear intentional, but they raise questions about whether there will ever be a completely precise accounting.

By Nate Cohn, Josh Katz, Denise Lu, Charlie Smart, Ben Smithgall and Andrew Fischer

Published Feb. 6, 2020 Updated Feb. 12, 2020

Primary Goals

Verify that:

- Election Results collected at the tabulator level are accurate
- Election result aggregation is working properly
- Data exchanges between systems are working properly
  - Memory Cards To RTR
  - RTR export files to SERVIS

Secondary Goals

- Ensure that state and county staff are proficient with the processes
  - Practice makes perfect
- Identify and resolve system issues
- Improve the testing process based on feedback from SOS staff and County Clerk teams

Test Types

1. Logic and Accuracy Testing – Ensures that all voting systems are setup and configured to properly record votes cast and assures that all candidates for each ballot style are properly loaded. Ballot test decks which were configured with predetermined votes using the upcoming election's ballot styles, contests, and races data are used so that the vote counts can be checked. The vote counts need to match the expected outcome starting with the individual tabulator and continuing through the systems until they reach the public election reporting system.

> Vote Counts are verified at four different points during the test. First, the individual tabulator results are checked to confirm that the results are as expected. Several tabulators are then aggregated at the county's local election server. Those results are then uploaded into SERVIS and checked again in order to ensure that it compiles votes properly. Finally, the results in SERVIS are pushed to the election results reporting system and checked again in order to make sure that the public display is accurate.

2. Operational Readiness Testing - Tests the system and process to find defects that will prevent deployment. This test will ensure participants are familiar with the election night processes as well as the processes for the first few days following an election. This test is intended to identify areas where the technology or the processes may need to be changed in order to better accommodate the desired outcome.

3. Performance Testing – Tests the system with multiple counties uploading and transferring result files to the state server simultaneously. This test monitors performance while SERVIS is under loading conditions that are similar to those occurring on election night. During this test, production sized result files are uploaded. The upload speed and transfer times are logged and reported. The SOS evaluates these metrics on a statewide basis to ensure the system will function as expected on Election Night.

How far we've come…

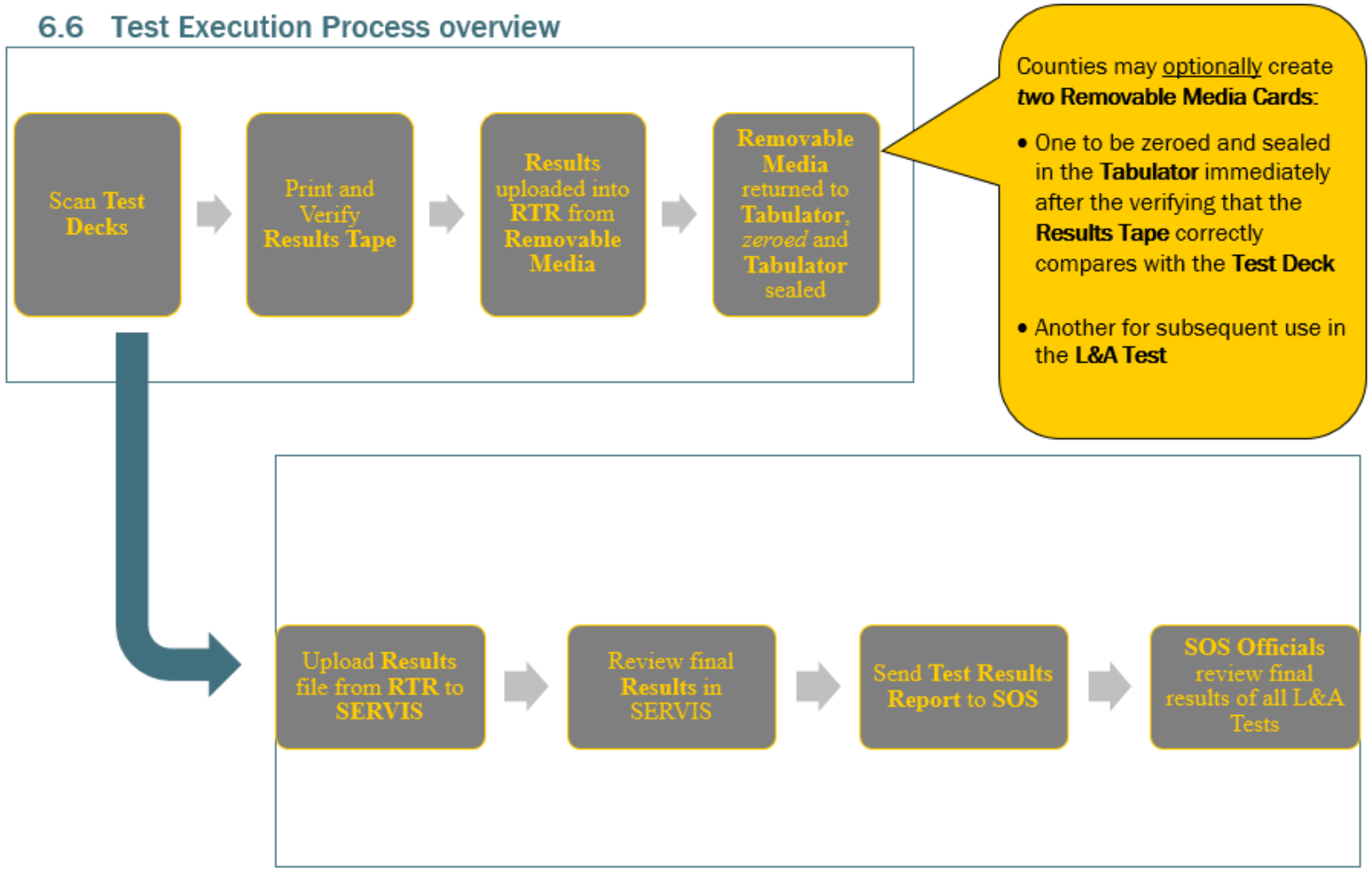
FOR INTERNAL USE ONLY

Test Process

Logic and accuracy testing will be conducted using ballot test decks with known result outcomes. The process starts by reading the complete, proper test desk into precinct or central count tabulators that are being statutorily certified. It ends with verifying the results on the ENR site and reporting any findings to the SOS.

1. The test deck provided to each county will be a patterned test deck for either a full precinct set or a combination of unique ballot styles. Each test desk has a corresponding results key whose results are unique to that specific test deck.
2. The county will feed a complete and proper test desk into a tabulator which is being statutorily certified.
3. Once complete, the tester shall run a printed results tape from the tabulator and compare the results to the test deck answer key.
4. One of the tabulator's removable media cards will then be read into the county's RTR server. Using standard election reports available in RTR, the county shall verify that the results agree with the expected outcome.
5. The county should export their results from RTR and upload them into SERVIS during the SOS advertised upload windows. Using SERVIS's standard election reports, the newly uploaded results are again validated against the expected results.
6. Next, the SOS will upload the results from SERVIS into ENR.
7. After receiving notification that the results have been uploaded into ENR, county staff shall validate that the reported results match the expected results.
8. Finally, the county reports the outcome of their test to the SOS using the Mock Election Register in Clerks' Portal.

Test Execution Process Overview



Mock Election Timeline

- 3 Mock Election Rounds:
  - Starting October 04, 2022
  - Ending October 19, 2022
- Participate early/often
- You do not have to participate every week
- Opportunity to train staff

MOCK ELECTION DATES

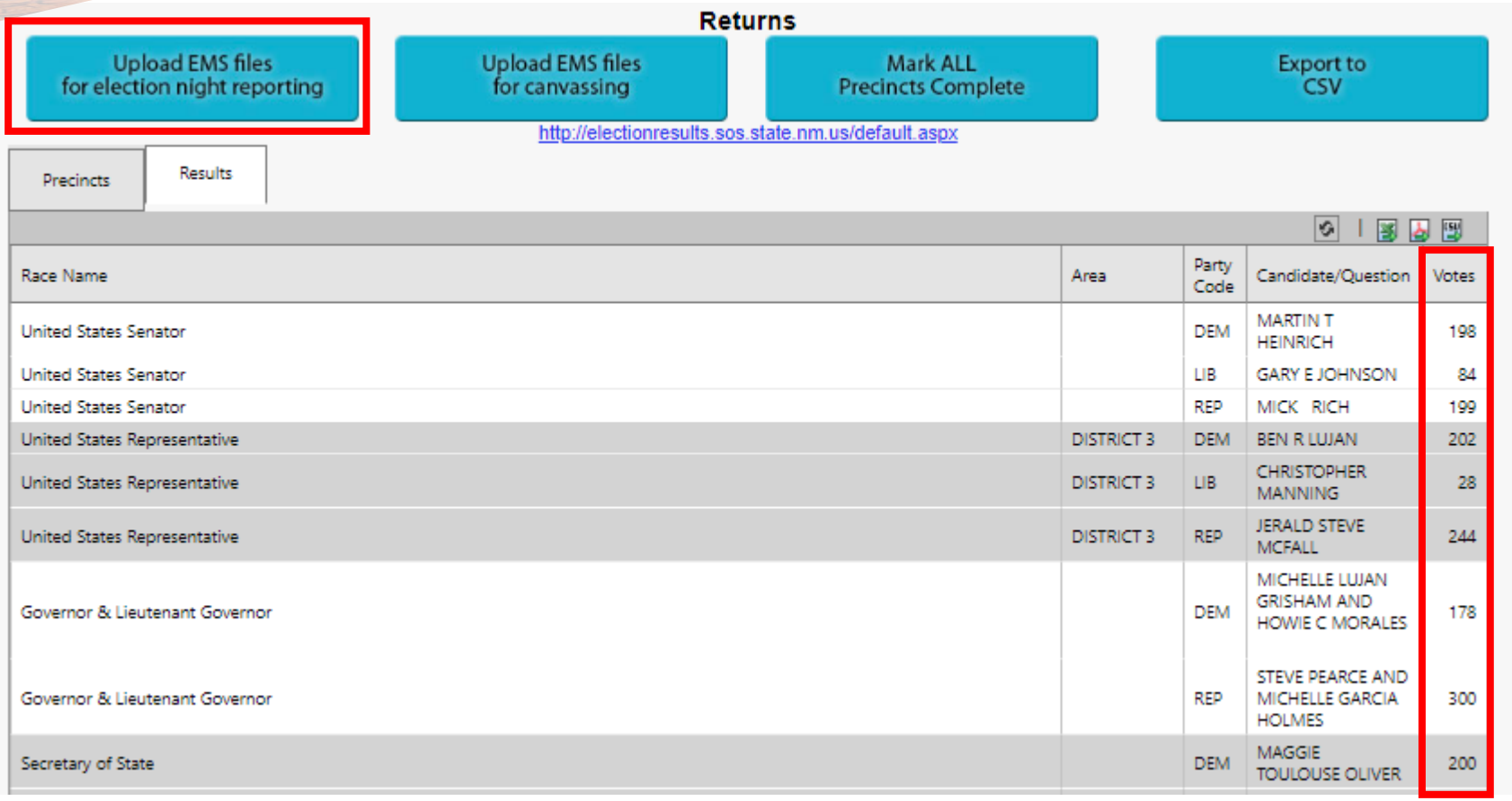
October 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 Round 1 EN Simulation 3-5 PM	5 Round 1 Canvass Simulation 3-5 PM	6	7	8
9	10	11 Round 2 EN Simulation 3-5 PM	12 Round 2 Canvass Simulation 3-5 PM	13	14	15
16	17	18 Round 3 EN Simulation 3-5 PM	19 Round 3 Canvass Simulation 3-5 PM	20	21	22
23	24	25	26	27	28	29
30	31					

Election Night File vs Canvass File

- Election Night file is a much smaller file that contains numbers only.
- Election night file will be uploaded on Tuesdays.
- Example of Election Night File (look for “EN” in file name)

Filename
DetailResultsExportEN-132827843280627052..xml
DetailResultsExport-132826937496619028..xml



Race Name	Area	Party Code	Candidate/Question	Votes
United States Senator		DEM	MARTIN T HEINRICH	198
United States Senator		LIB	GARY E JOHNSON	84
United States Senator		REP	MICK RICH	199
United States Representative	DISTRICT 3	DEM	BEN R LUJAN	202
United States Representative	DISTRICT 3	LIB	CHRISTOPHER MANNING	28
United States Representative	DISTRICT 3	REP	JERALD STEVE MCFALL	244
Governor & Lieutenant Governor		DEM	MICHELLE LUJAN GRISHAM AND HOWIE C MORALES	178
Governor & Lieutenant Governor		REP	STEVE PEARCE AND MICHELLE GARCIA HOLMES	300
Secretary of State		DEM	MAGGIE TOULOUSE OLIVER	200

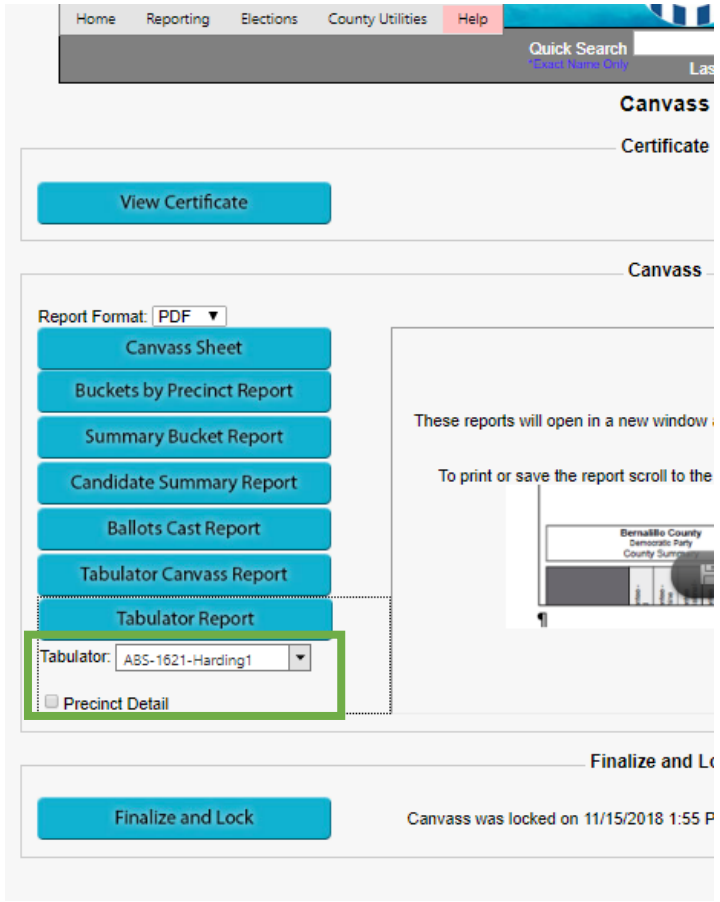
Election Night File vs Canvass File

Canvass file is uploaded in the file that reads- Upload EMS Files for Canvassing (orange box).

The canvass file contains the same data (numbers) as the election night file; however, it also contains tabulator information and data that is needed when generating the canvassing related reports.

If tabulator dropdown (green box) is blank, you need to upload the canvass file.

Canvass file will be uploaded on Wednesday along with the election night file.

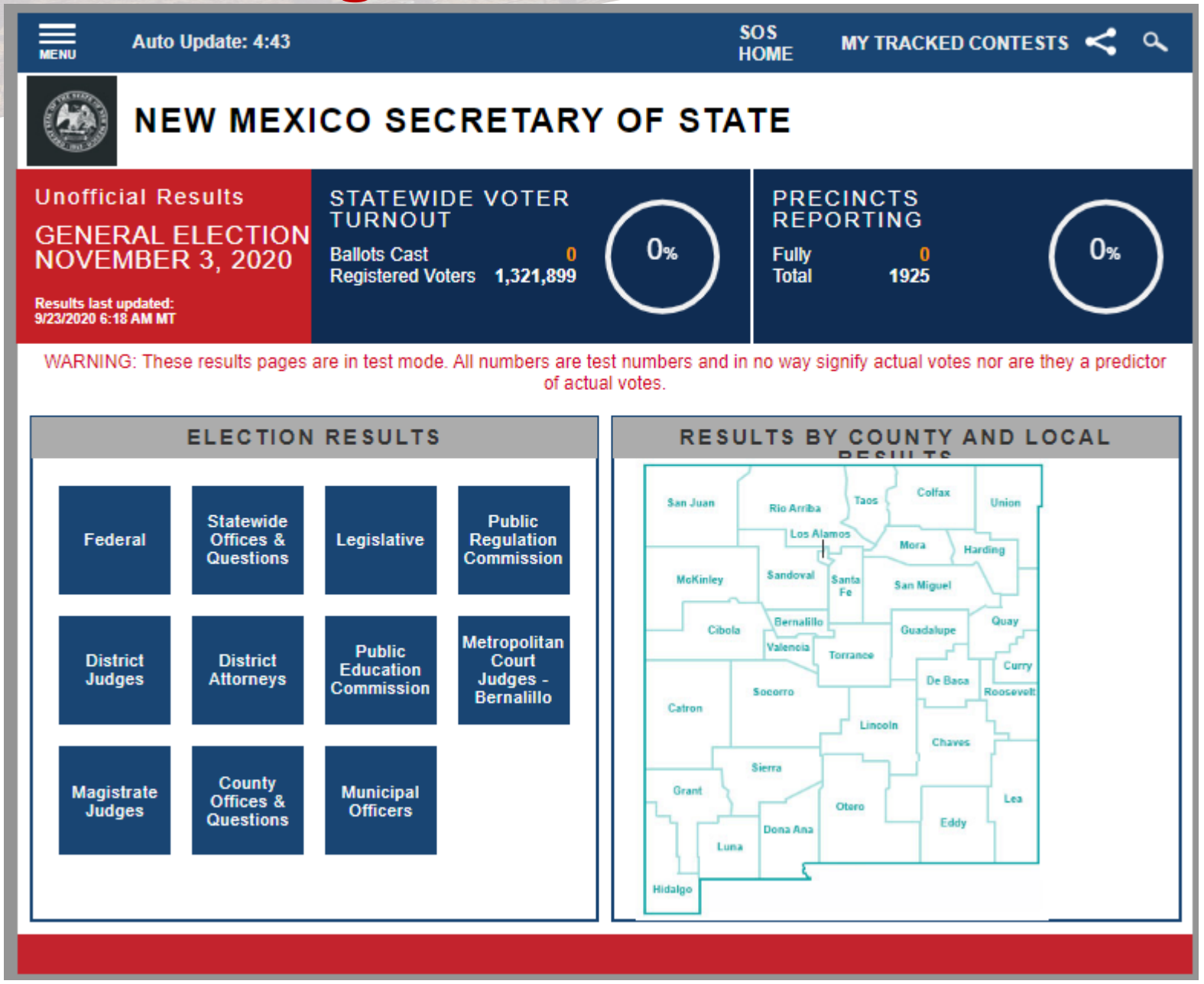


New Election Night Results Page

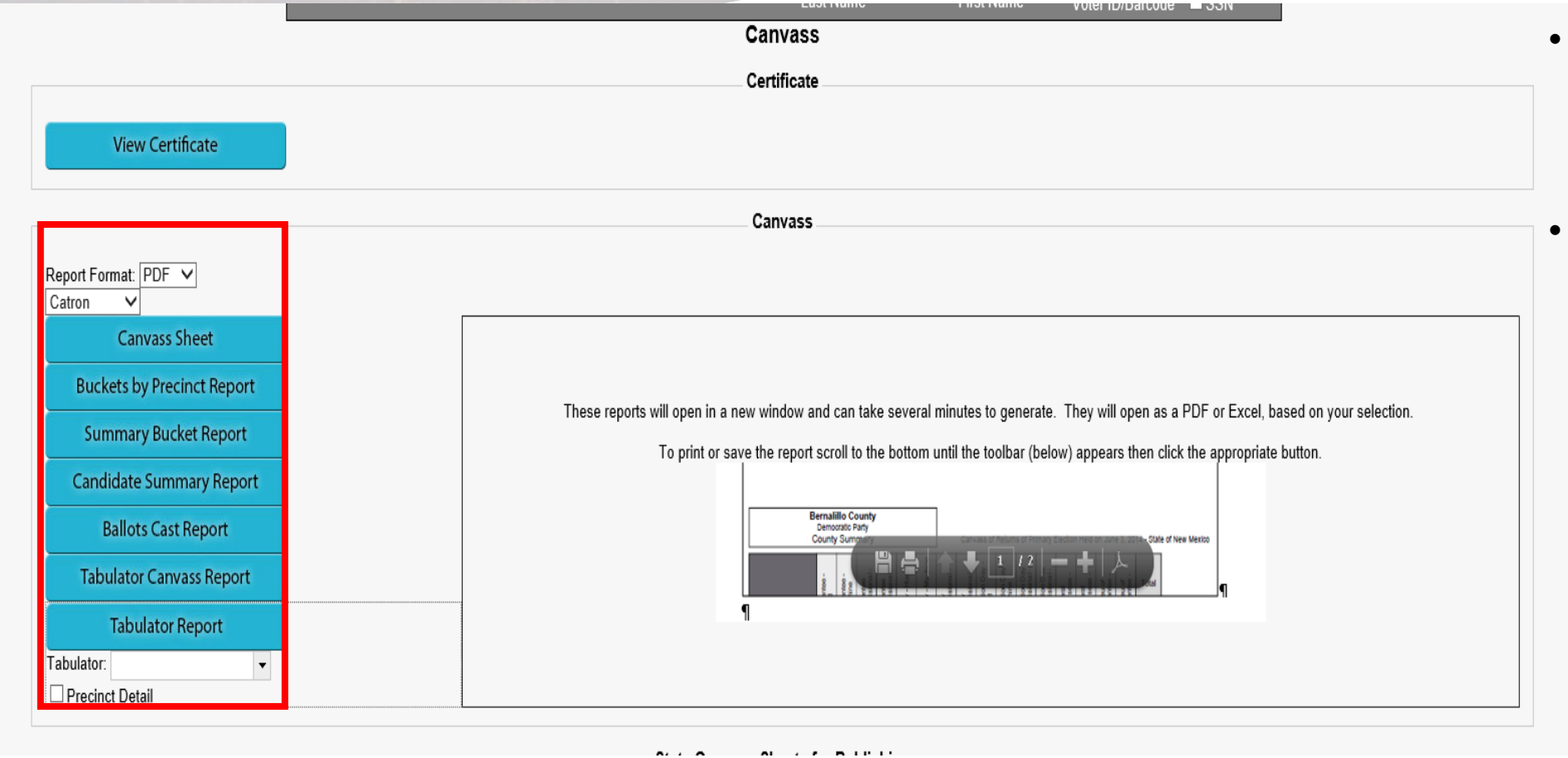
FOR INTERNAL USE ONLY

- Link: https://electionresults.sos.state.nm.us/default.aspx?eid=2838

- Ensure all data is displaying correctly as this is what the public will see on Election Night.



SERVIS Canvass Reports



- SERVIS review includes a review of all Cavass reports.
- NOTE: Tabulator Report will generate when you upload the canvass file.

SERVIS Canvass Reports

- SERVIS > Reporting > Election Canvassing > Candidate Summary Report
- SERVIS > Reporting > Election Canvassing > Summary Bucket Report
- SERVIS > Reporting > Election Canvassing > Ballots Cast Report
- SERVIS > Reporting > Election Canvassing > Tabulator Canvass Report-Excel
- SOS NEW Website: Election Results from https://electionresults.sos.state.nm.us/default.aspx?eid=2838

SERVIS Canvass Reports

FOR INTERNAL USE ONLY

Guadalupe County
DEMOCRATIC PARTY
Countywide

Candidate Summary of Primary Election Held on June 2, 2020
State of New Mexico

President of the United States
- ELIZABETH WARREN 17
- TULSI GABBARD 34
- JOSEPH R BIDEN 17
- DEVAL PATRICK 34
- BERNIE SANDERS 17
- ANDREW YANG 34
- UNCOMMITTED DELEGATE / DELEGADO NO COMPROMETIDO 17

United States Senator
- BEN R LUJAN 34

United States Representative - DISTRICT 2
- XOCHITL TORRES SMALL 34

State Senator - DISTRICT 8
- PETE CAMPOS 17
- CONNIE JIMENEZ TRUJILLO 34

State Representative - DISTRICT 63
- RANDAL W BROWN 34

Justice of the Supreme Court Position 1
- SHANNON BACON 34

Justice of the Supreme Court Position 2
- DAVID K THOMSON 34

Judge of the Court of Appeals Position 1
- ZACH IVES 34

Judge of the Court of Appeals Position 2

Guadalupe County
DEMOCRATIC PARTY

Canvass of Returns of Primary Election
Held on June 2, 2020 - State of New Mexico
Summary Bucket Report

	Absentee - Machine	Absentee - Hand	Absentee FWAB	Federal Overseas - Hand	Federal Overseas - Machine	Absentee Provisional - Hand	Absentee Provisional - Machine	Early - Machine	Early - Hand	Early Provisional - Hand	Early Provisional - Machine	Election Day - Machine	Election Day - Hand	Election Day Provisional - Hand	Election Day Provisional - Machine	Total
Ballots Cast	36							36				132				
President of the United States																
ELIZABETH WARREN	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
TULSI GABBARD	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
JOSEPH R BIDEN	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
DEVAL PATRICK	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
BERNIE SANDERS	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
ANDREW YANG	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
UNCOMMITTED DELEGATE / DELEGADO NO COMPROMETIDO	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
United States Senator																
BEN R LUJAN	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
United States Representative - DISTRICT 2																
XOCHITL TORRES SMALL	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
State Senator - DISTRICT 8																
PETE CAMPOS	3	0	0	0	0	0	0	3	0	0	0	11	0	0	0	17
CONNIE JIMENEZ TRUJILLO	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
State Representative - DISTRICT 63																
RANDAL W BROWN	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34
Justice of the Supreme Court Position 1																
SHANNON BACON	6	0	0	0	0	0	0	6	0	0	0	22	0	0	0	34

Date Run: 5/22/2020 9:19:30 AM 1 of 5

SERVIS Canvass Reports

Guadalupe County
LIBERTARIAN PARTY
Countywide

Ballots Cast Summary of Primary Election Held on June 2, 2020
State of New Mexico

Precinct	Absentee	Early	Election Day	Hand	Provisionals	Total Ballots Cast
PRECINCT 1	51	51	119			221
PRECINCT 2			17			17
PRECINCT 3			17			17
PRECINCT 4			17			17
PRECINCT 5			17			17
	51	51	187			289

This report helps you identify which tabulators and tabulator data are in SERVIS. This should match the data in RTR.

Guadalupe County

Canvass of Returns of Primary ElectionHeld on June 2, 2020 - State of New Mexico
County Tabulator Canvass Report

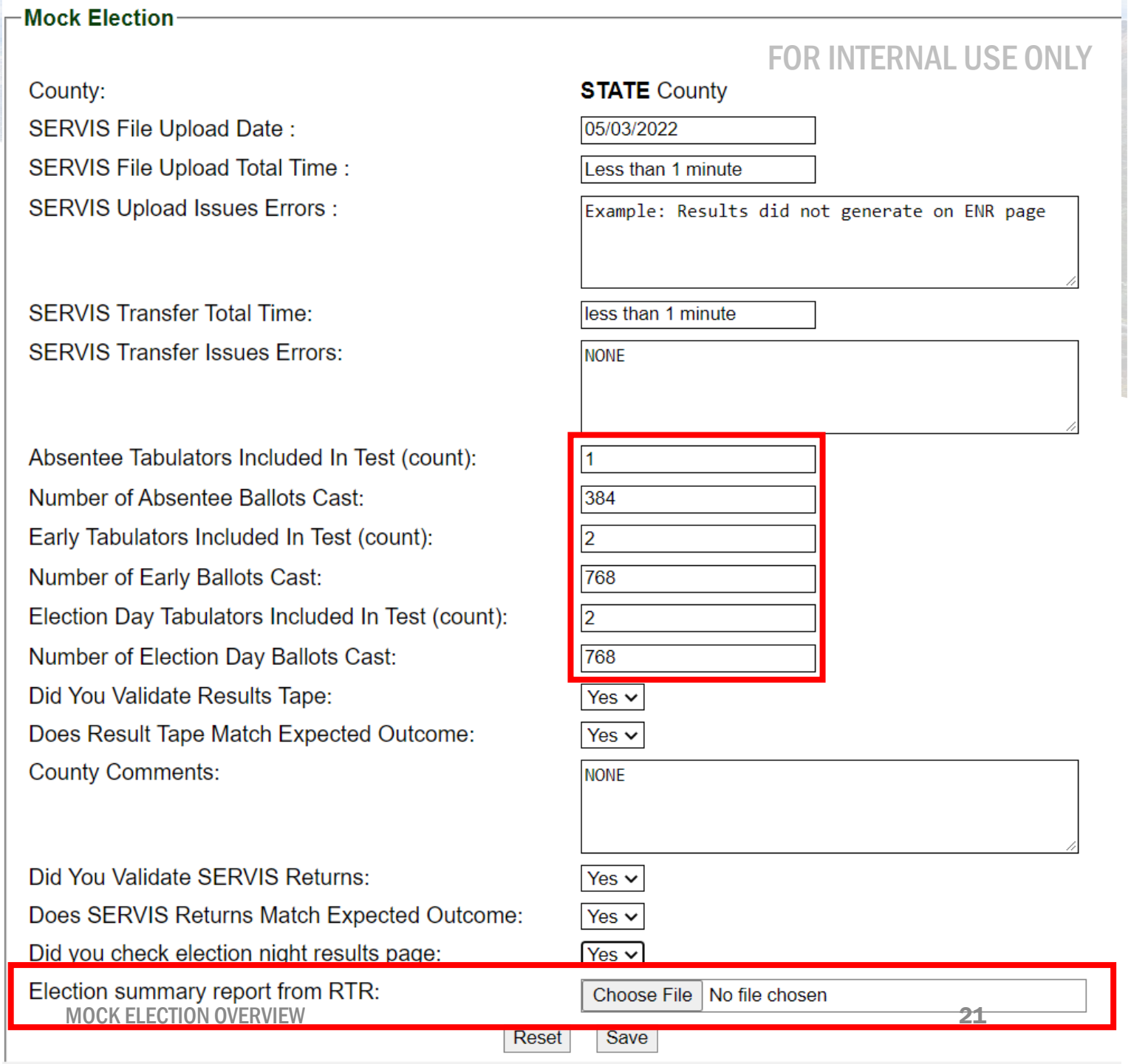
		ABS		EVT		EDT								
		Guadalupe County Clerk's Office (ABS)	Total	Guadalupe County Clerk's Office (EV)	Total	City County Complex (ED)	KC Hall (ED)	Santa Rosa Fire Station (ED)	Vaughn Community Center (ED)	Anton Chico Community Center (ED)	Spare (ED)		Total	Grand Total
Party		ABS-3199-0311		EVT-3198-0334		EDT-3200-0336	EDT-3201-0092	EDT-3202-0309	EDT-3203-0055	EDT-3204-0142	EDT-3206-0050	EDT-3211-0330		
DEM	ELIZABETH WARREN	3	3	3	3	1	1	1	1	1	3	3	11	17
	TULSI GABBARD	6	6	6	6	2	2	2	2	2	6	6	22	34
	JOSEPH R BIDEN	3	3	3	3	1	1	1	1	1	3	3	11	17
	DEVAL PATRICK	6	6	6	6	2	2	2	2	2	6	6	22	34
	BERNIE SANDERS	3	3	3	3	1	1	1	1	1	3	3	11	17
	ANDREW YANG	6	6	6	6	2	2	2	2	2	6	6	22	34
	UNCOMMITTED DELEGATE / DELEGADO NO COMPROMETIDO	3	3	3	3	1	1	1	1	1	3	3	11	17
	BEN R LUJAN	6	6	6	6	2	2	2	2	2	6	6	22	34
	XOCHITL TORRES SMALL	6	6	6	6	2	2	2	2	2	6	6	22	34
	PETE CAMPOS	3	3	3	3	1	1	1	1	1	3	3	11	17
	CONNIE JIMENEZ TRUJILLO	6	6	6	6	2	2	2	2	2	6	6	22	34
	RANDAL W BROWN	6	6	6	6	2	2	2	2	2	6	6	22	34

Clerk's Portal-Final Step in the Mock Election Process

Note: Please fill in as much information as possible.

If you make a mistake, please submit another entry.

Upload the answer key, not the SERVIS file.



Clerk's Portal

Note: County staff will need to upload RTR Report: Elections Summary Report, not the XML file. SOS staff can access to the XML file via SERVIS.

Election Summary Report

Closed Primary

Dona Ana County

June 02, 2020

Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Precincts Reported: 0 of 170 (0.00%)

Registered Voters: 29,991 of 0 (N/A)

Ballots Cast: 29,991

DEM-PRESIDENT OF THE UNITED STATES (Vote for 1)
DEM

Precincts Reported: 0 of 170 (0.00%)

	Total	
Times Cast	20,834 / 0	N/A

Candidate	Party	Total	
ELIZABETH WARREN	DEM	2,082	
TULSI GABBARD	DEM	4,164	
JOSEPH R BIDEN	DEM	2,085	
DEVAL PATRICK	DEM	4,161	
BERNIE SANDERS	DEM	2,083	
ANDREW YANG	DEM	4,175	
UNCOMMITTED DELEGATE	DEM	2,084	
Total Votes		20,834	

		Total	
Unresolved Write-In		0	

Items SOS-BOE Team Reviews

- Validate total Ballots Cast in the Election Summary Report and SERVIS Reports. Do they match?
- Look for pattern in SERVIS: Elections > Returns > Results tab
- Look for pattern in the county's results on the Election Results Website
- Is this pattern across all reports: 1) SERVIS, 2) Election Summary Report, and 3) Election Night Results page?
- Verify that all contests in SERVIS are present on the Election Results Website?
    - US Representatives, Statewide offices, NM State Representatives, Judges, County Offices…etc?
- Verify that the counts on the Election Results Website match the counts in SERVIS: Elections > Returns
- Verify that the tabulators reported are present in SERVIS > Reporting > Election Canvassing > Tabulators.
    - Note: If SERVIS does not have data in the tabulator drop down, the county has not uploaded their canvass file. The SOS Team will contact the county to have them upload the canvass file.
- Counting group to be reviewed: Absentee, Early Vote, Election Day
    - Verify that each counting group has the expected total # of votes.
    - Verify that the Canvass Reports show results for each counting group.

Review Guides

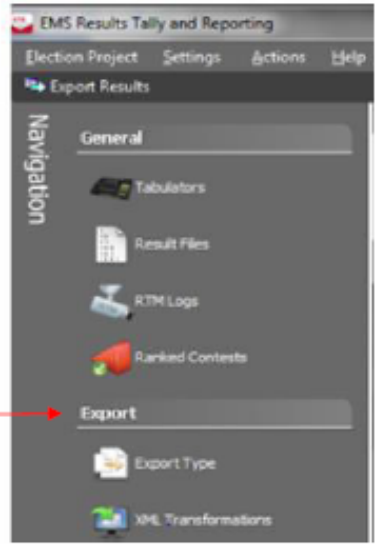
MOCK ELECTION QUICK REFERENCE

Basic Steps

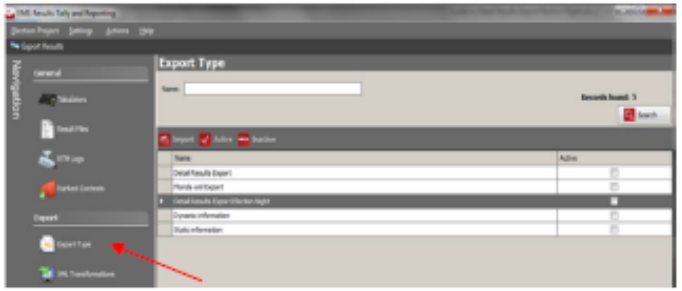
1. While performing normal tabulator certification processes RUN your full TEST DECK
2. Run a RESULTS TAPE and compare to the test deck's ANSWER KEY
    a. Take action as necessary if the results are not correct
3. Read the removable media card into RTR
4. Compare the results in RTR to the expected results
    a. Take action as necessary if the results are not correct
    b. The expected results will vary as the cards from additional tabulators are read into RTR
5. Repeat Steps 1 - 4 for additional tabulators

Quick Reference Guide: Exporting Results from RTR & Uploading To SERVIS

1. In RTR Click on "**Export**" in the navigation panel on the left side of the window.



2. Click on "**Export Type**" to view a list of available export files. The active export will have a check in the box in the "Active" column.



Best Practice/Tips

1) Participate early, participate often:
   The SOS only needs to review your county once; let us know when you want our office to review your mock election results.
2) If you have write-ins, test entering write-ins into SERVIS.
3) If you expect a high number of provisional/hand ballots, test entering hand tallies.
4) Log deviations from the stock test deck in Clerks' Portal.
5) County Canvass should complete a full review which includes RTR results, SERVIS and ENR results page
6) SOS will let you know when we have canvassed your election so that you may zero out your RTR

RTR- Zero Reports

- Post-Mock Election all counties will be instructed to zero out RTR (around the week of October 24th)

Election Summary Report

General Election
Socorro County
November 05, 2019
Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

Precincts Reported: 0 of 27 (0.00%)
Registered Voters: 0 of 0 (N/A)
Ballots Cast: 0

TRUSTEE POSITIONS 1 - 2 MAGDALENA (Vote for 2)

Precincts Reported: 0 of 2 (0.00%)

		Total
Times Cast		0 / 0 N/A
Candidate	Party	Total
DONNA B DAWSON		0
Total Votes		0
		Total
Unresolved Write-In		0

MUNICIPAL JUDGE MAGDALENA (Vote for 1)

Precincts Reported: 0 of 2 (0.00%)

		Total
Times Cast		0 / 0 N/A
Candidate	Party	Total
SIMON J ARMIJO		0
Total Votes		0
		Total
Unresolved Write-In		0

SCHOOL BOARD MEMBER POSITION 1 MOUNTAINAIR PUBLIC SCHOOL BOARD (Vote for 1)

Precincts Reported: 0 of 2 (0.00%)

		Total
Times Cast		0 / 0 N/A
Candidate	Party	Total
DARRELL W ROBERTS		0
Total Votes		0
		Total
Unresolved Write-In		0

Questions?

Please email your questions to nmclerks@state.nm.us

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Friday, December 23, 2022 8:37 AM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: SOS-Bureau of Elections
Subject: [EXTERNAL SENDER] Reminders and Information (Oaths of Office/MOU Reporting/Election Alphabet
Attachments: 2023 - 2024 New Mexico Election Alphabet.JPG

Good Morning county clerks,

Here are a couple of reminders and some information based on questions that our office has received recently:

- **Oaths of Office:** Pursuant to Article XX, Section 1 of the New Mexico Constitution: Every person elected or appointed to any office shall, before entering upon his duties, take and subscribe to an oath or affirmation that he will support the constitution of the United States and the constitution and laws of this state, and that he will faithfully and impartially discharge the duties of his office to the best of his ability. This includes incumbents taking office for a new term and people taking office for the first time. A blank copy of the oath can be from our website at the following link: https://www.sos.state.nm.us/candidate-and-campaigns/search-public-information/oath-of-office/.

- **2022 General MOU Reporting/Reimbursements:** Please ensure you send in your MOU reporting and supporting documents (invoices, payroll items to poll officials, receipts, etc.), and/or reimbursement form (including supporting documents) as soon as possible, but no later than December 30, 2022. Please send all items to the NM Clerk helpdesk (NM.Clerks@sos.nm.gov) for tracking and processing.

- **Election Alphabet (2023 – 2024):** You can view the election alphabet and the recording at the following link of our website (the alphabet is attached to this email). https://www.sos.state.nm.us/candidate-and-campaigns/how-to-become-a-candidate/nm-election-alphabet/

- **Reminders:**
    - Election Certificates: All Certificates of Election have been sent to successful candidates; based on the timeline provided by our vendor, those items should have been received by now. If you receive any inquiries from candidates, you can direct them to our office: sos.elections@sos.nm.gov or (505) 827-3600, option 2.
    - Board of Registration (Before March 15, 2023): In accordance with 1-4-28, "No later than the fifteenth day of March following a general election, the board of registration shall review the list of eligible voters. The board of registration shall direct the county clerk to cancel the registration of any voter who has been sent notice in conformance with this section and who:

      (1) has failed to respond to the notice sent in conformance with this section and has not voted or appeared to vote in any election during the period beginning on the date of the notice and ending on the day after the second general election that occurs after the date of the notice; or

      (2) has confirmed in writing that the voter has changed residence to a place outside the state."

        - You will need to follow the provisions outlined in 1-4-35 through 1-4-36 when conducting the Board of Registration meetings.

I hope this email serves you well. Let us know if you have any clarifying questions.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

New Mexico Secretary of State

2023 - 2024 Election Cycle Alphabet Randomization

Start Randomization

Randomization Started At :2022-12-22 11:5:34

Selecting letter 26

Done

1	2	3	4	5	6	7	8	9	10
N	Y	U	I	Z	A	V	X	R	L
11	12	13	14	15	16	17	18	19	20
H	J	E	K	G	M	B	P	O	C
21	22	23	24	25	26				
S	F	T	Q	D	W				

Final List: N,Y,U,I,Z,A,V,X,R,L,H,J,E,K,G,M,B,P,O,C,S,F,T,Q,D,W

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Sent: Wednesday, September 28, 2022 5:02 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: SOS-Bureau of Elections; SOS-Leadership; Lamb, William, SOS
Subject: [EXTERNAL SENDER] Sample Ballots_ 2022 General Election

Good Afternoon County Clerks,

Our office wanted to inform you all that we have completed a review of the sample ballots of all 33 counties for the 2022 General Election, and they have been loaded into SERVIS. The public now has access to sample ballots on NMVote.org. If there are any questions or concerns about the sample ballots, please email the NM Clerks HelpDesk nmclerks@state.nm.us.

Lastly, we wanted to send a friendly reminder about upcoming dates to keep in mind for the next few weeks (see below). As usual, thank you all for your hard work and dedication for each election.

October 11, 2022 – Tuesday

- Absentee voting begins (in-person at clerk's office. Mailed ballots to be sent out to those voters who requested one – this includes Safe At Home Voters)
- Voter registration closes (mail-in applications, online portal)
- SDR begins in clerk's office

October 18, 2022 – Tuesday through November 1, 2022 – Tuesday

- Notice of Election to be published (1-11-1, 1-11-3, 1-1-14)

October 21, 2022 – Friday

- Clerk's to provide list of individuals with authorized access to alternate voting sites (NMAC 1.10.12.11)

October 25, 2022 – Tuesday (Counties with 10,000 or more mailed ballots)

- Absentee board may convene to open the official mailing envelope and insert enclosed ballots to be registered by an electronic voting machine (1-6-14. G)

November 3, 2022 – Thursday (Counties with fewer than 10,000 mailed ballots)

- Absentee board may convene to open the official mailing envelope and insert enclosed ballots to be registered by an electronic voting machine (1-6-14. F)

November 3, 2022

- Absentee Application Deadline (last day to request for an absentee application, 1-6-5. F)

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Charles Romero | Elections Program Coordinator

New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@state.nm.us

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Tuesday, October 11, 2022 10:07 AM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: Vigil, Mandy, SOS; Chinana, Charlotte, SOS; Lamb, William, SOS; Rockstroh, Gregory, SOS
Subject: [EXTERNAL SENDER] SDR presentation and SERVIS Slowness
Attachments: SDR Refresher_2022 General Election.pdf

Hello Everyone,

I have attached the SDR presentation from last week for your reference.

There are reports that SERVIS is running very slow. Our IT team is fully aware of the problem and working to get to the bottom of this. Thank you for your patience and making our office aware of the problem. We will send an update once more information is available.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

Same Day Voter Registration

2022 General Election
New Mexico Secretary of State

After this training you will be able to…

- Explain the purpose and process of Same Day Registration (SDR)
- Demonstrate logging into and using the SDR Portal to register voters on the day they intend to vote
- Process SDR applications in SERVIS
- Describe the purpose and tools used for audit
- Prepare to use SDR for the 2022 General Election

Same Day Registration (SDR) in New Mexico

- **2019 RLE:** First time SDR was utilized in New Mexico
- **2020 MOE:** First time Municipalities and County staff worked together to provide SDR
- **2020 Primary**: First time SDR was used in Primary Election; did not allow party updates
- **2020 General:** First time SDR was use in a General Election; highest SDR usage to date
- **2021 Special Congressional:** First time SDR was used for a one-district election and expanded to ED
- **2021 RLE:** Second time SDR used for an RLE, 6th New Mexico experience with SDR
- **2022 MOE:** Second time Municipalities and County staff worked together to provide SDR
- **2022 Primary Election:** SDR to be available during Early Voting and Election Day
- **2022 General Election:** SDR to be available during Early Voting and Election Day

SDR Timeline – 2022 General Election

Books Close
Tuesday
October 11, 2022

SDR Starts
Tuesday
October 11, 2022

SDR Ends
Tuesday
November 8, 2022
ELECTION DAY!!

SDR Process

Registration Officer completes registration using SDR Station

County Clerk receives registration in SERVIS then processes it and upon completion it transmits to the BOD

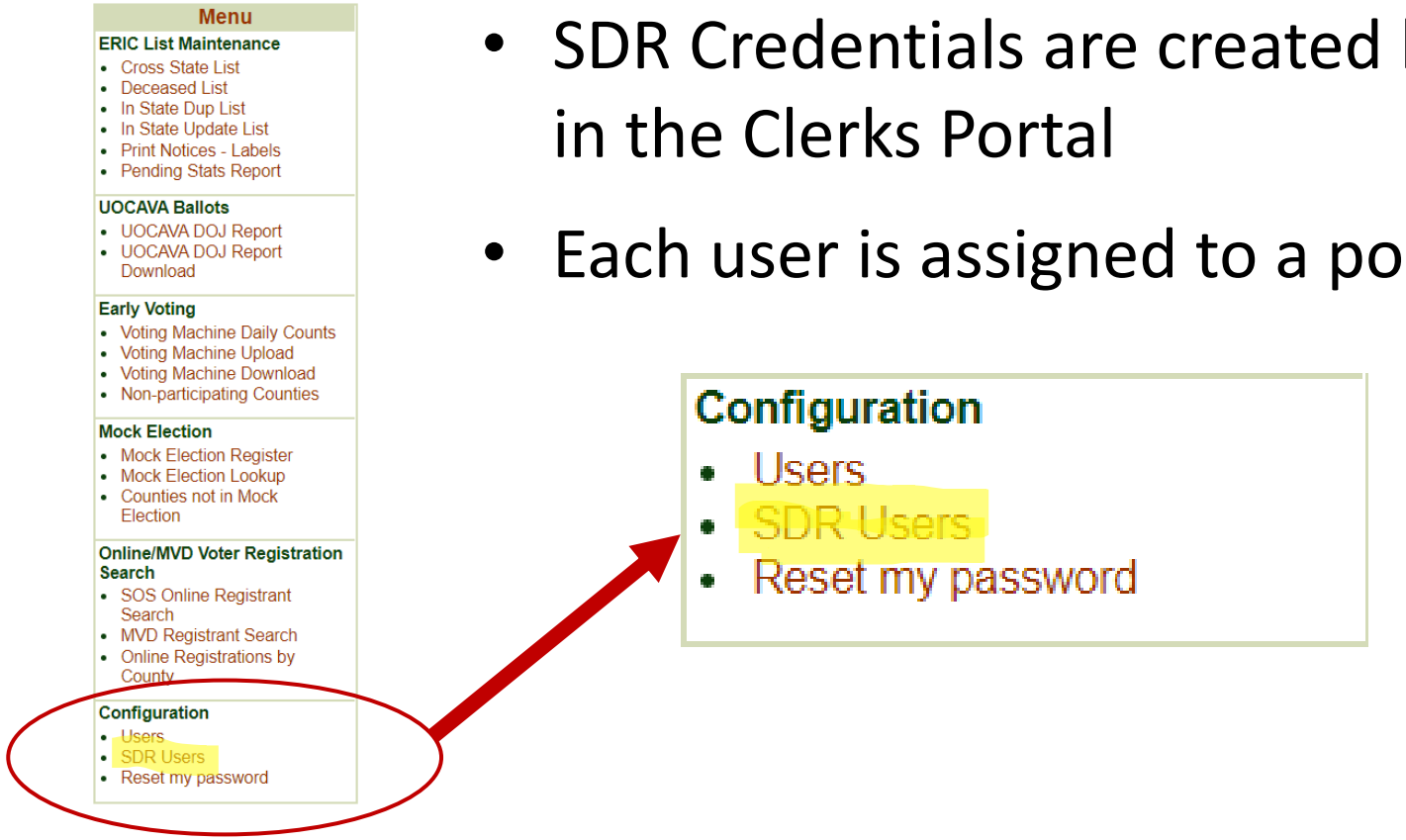
BOD receives data and qualified elector is added to the electronic pollbook

Qualified elector gets a ballot to cast their vote

SDR Process – General Information

- SDR available only at polling locations with an authorized setup
- SDR registration can be accepted without MVD record
- SDR auto-populates available existing active/inactive/suspense/ incomplete SSN registration
- Registration county will auto-populate — based on the SDR station location

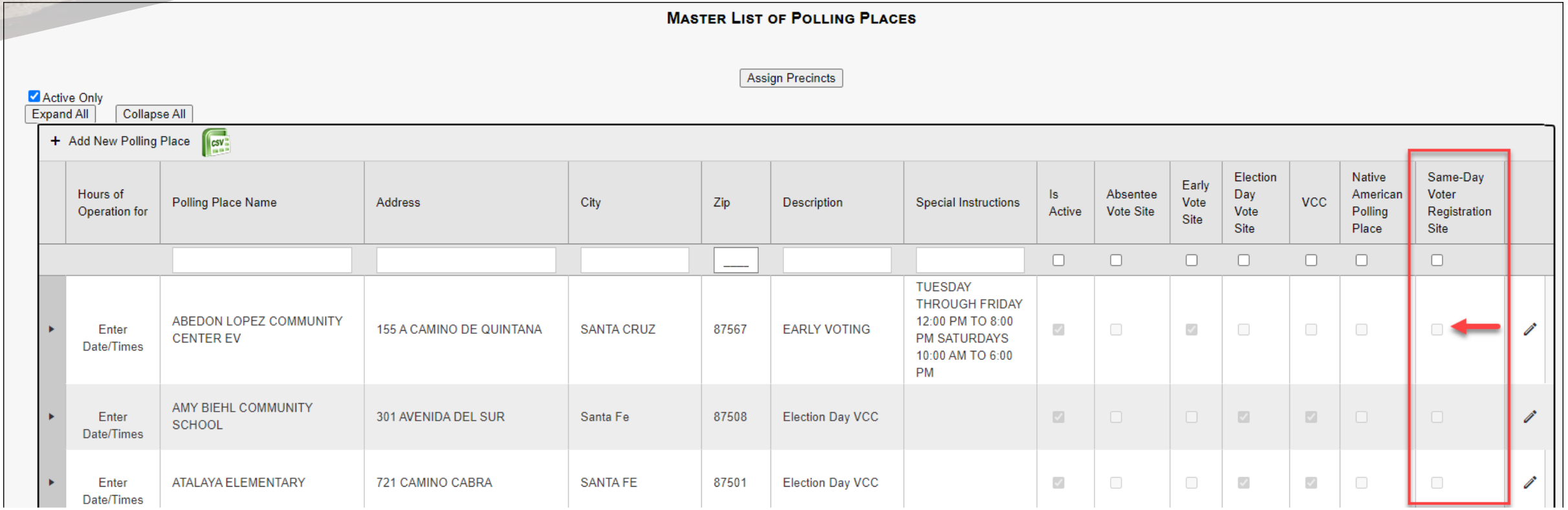
Credentials For Using SDR



- SDR Credentials are created by a County Admin in the Clerks Portal
- Each user is assigned to a polling location

SDR Credentials

In SERVIS > Elections > Polling Places: The SDR box should be checked on all your SDR Locations :



MASTER LIST OF POLLING PLACES

Assign Precincts

Active Only

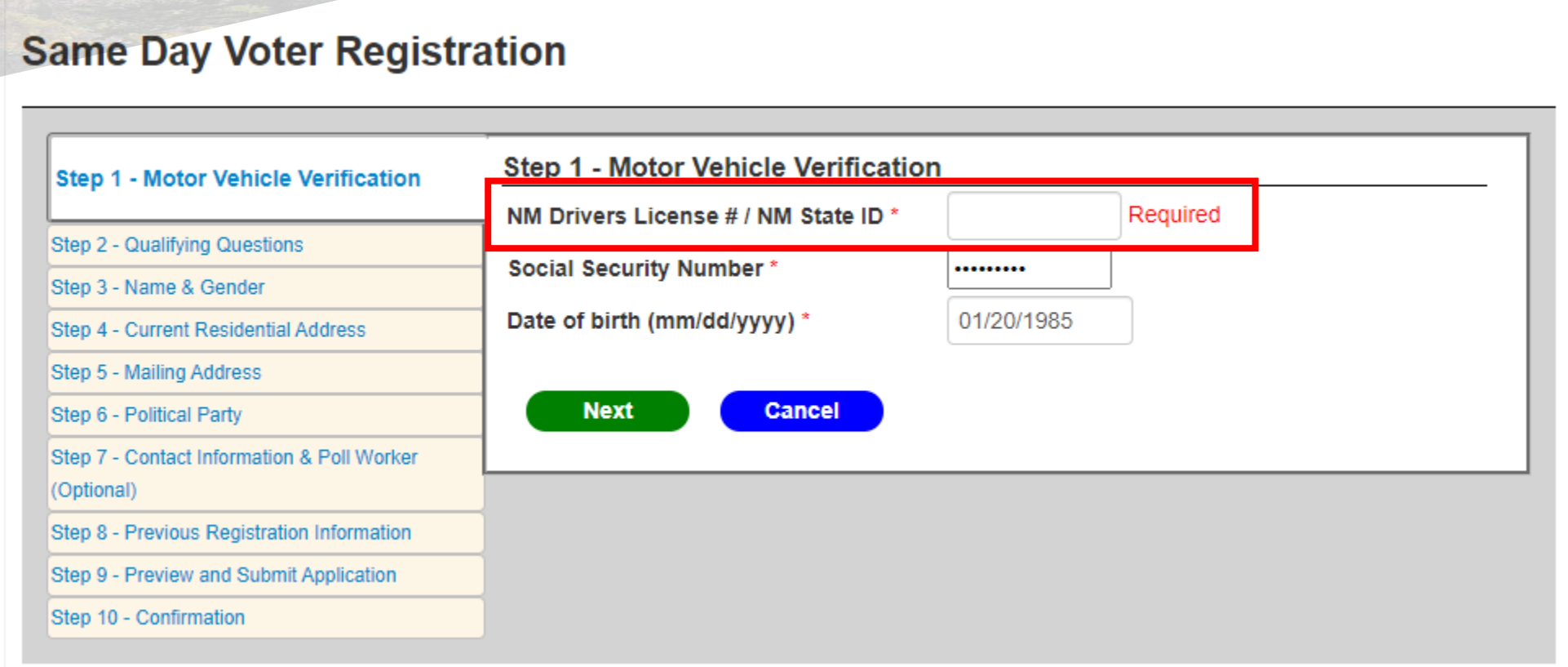
Expand All | Collapse All

+ Add New Polling Place

	Hours of Operation for	Polling Place Name	Address	City	Zip	Description	Special Instructions	Is Active	Absentee Vote Site	Early Vote Site	Election Day Vote Site	VCC	Native American Polling Place	Same-Day Voter Registration Site	
▸	Enter Date/Times	ABEDON LOPEZ COMMUNITY CENTER EV	155 A CAMINO DE QUINTANA	SANTA CRUZ	87567	EARLY VOTING	TUESDAY THROUGH FRIDAY 12:00 PM TO 8:00 PM SATURDAYS 10:00 AM TO 6:00 PM	☑	☐	☑	☐	☐	☐	☐	✎
▸	Enter Date/Times	AMY BIEHL COMMUNITY SCHOOL	301 AVENIDA DEL SUR	Santa Fe	87508	Election Day VCC		☑	☐	☐	☑	☑	☐	☐	✎
▸	Enter Date/Times	ATALAYA ELEMENTARY	721 CAMINO CABRA	SANTA FE	87501	Election Day VCC		☑	☐	☐	☑	☑	☐	☐	✎

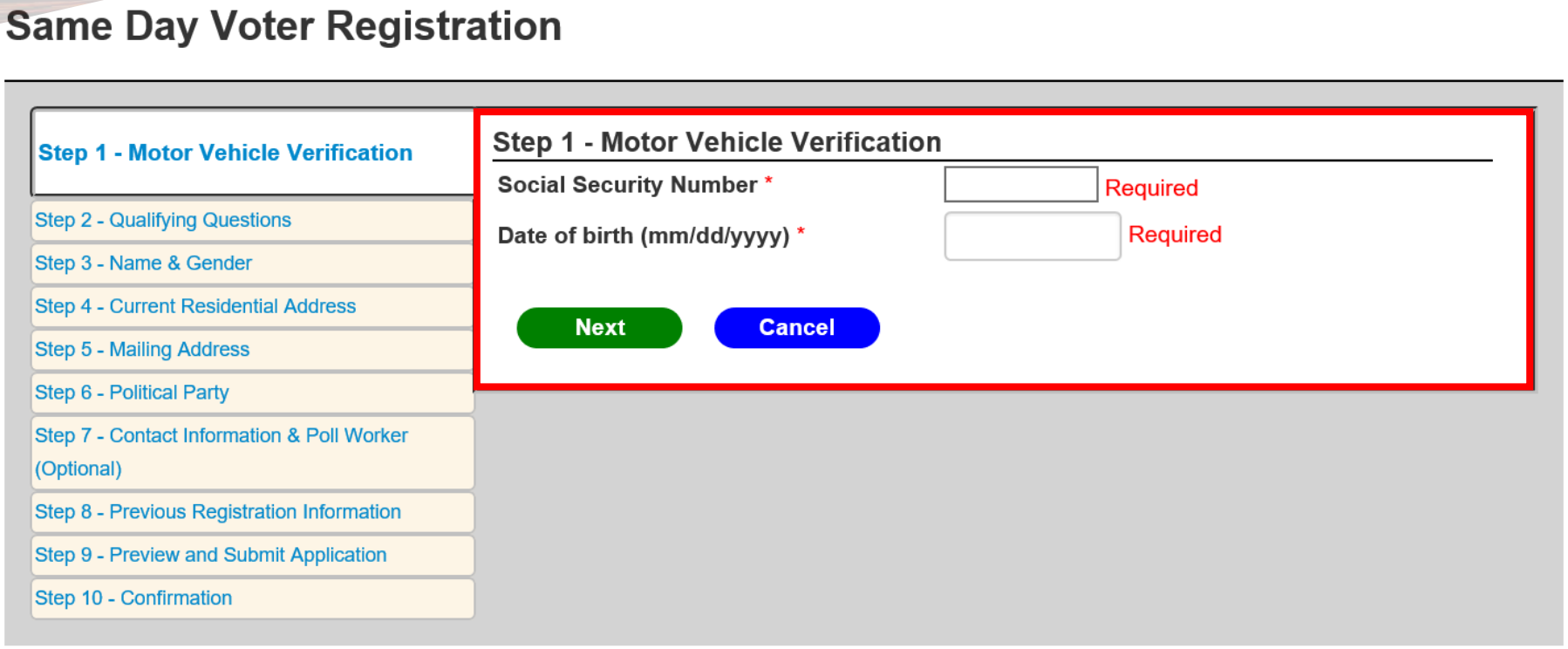
Working in the SDR Portal – with MVD Record

Working in the SDR Portal – with MVD Record (cont.)

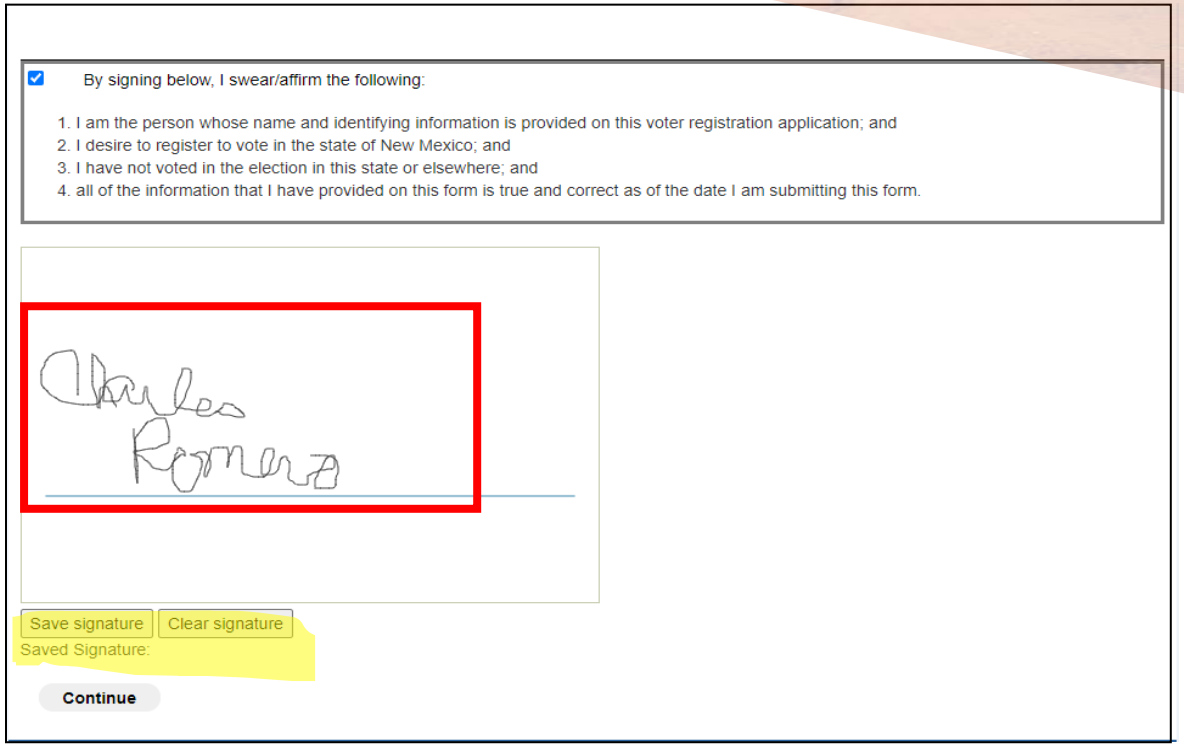


Working in the SDR Portal – without MVD Record

Working in the SDR Portal – without MVD Record (cont.)

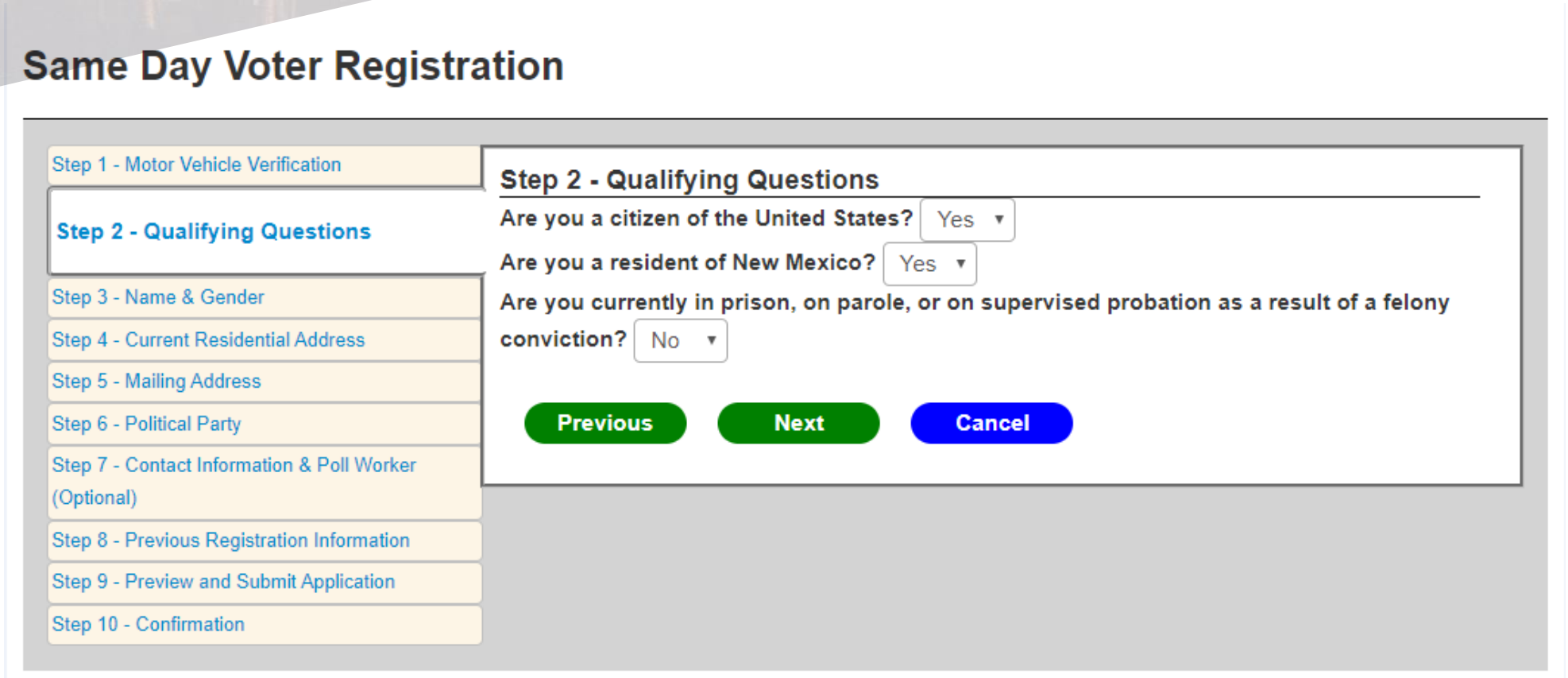


SDR Portal – Signature

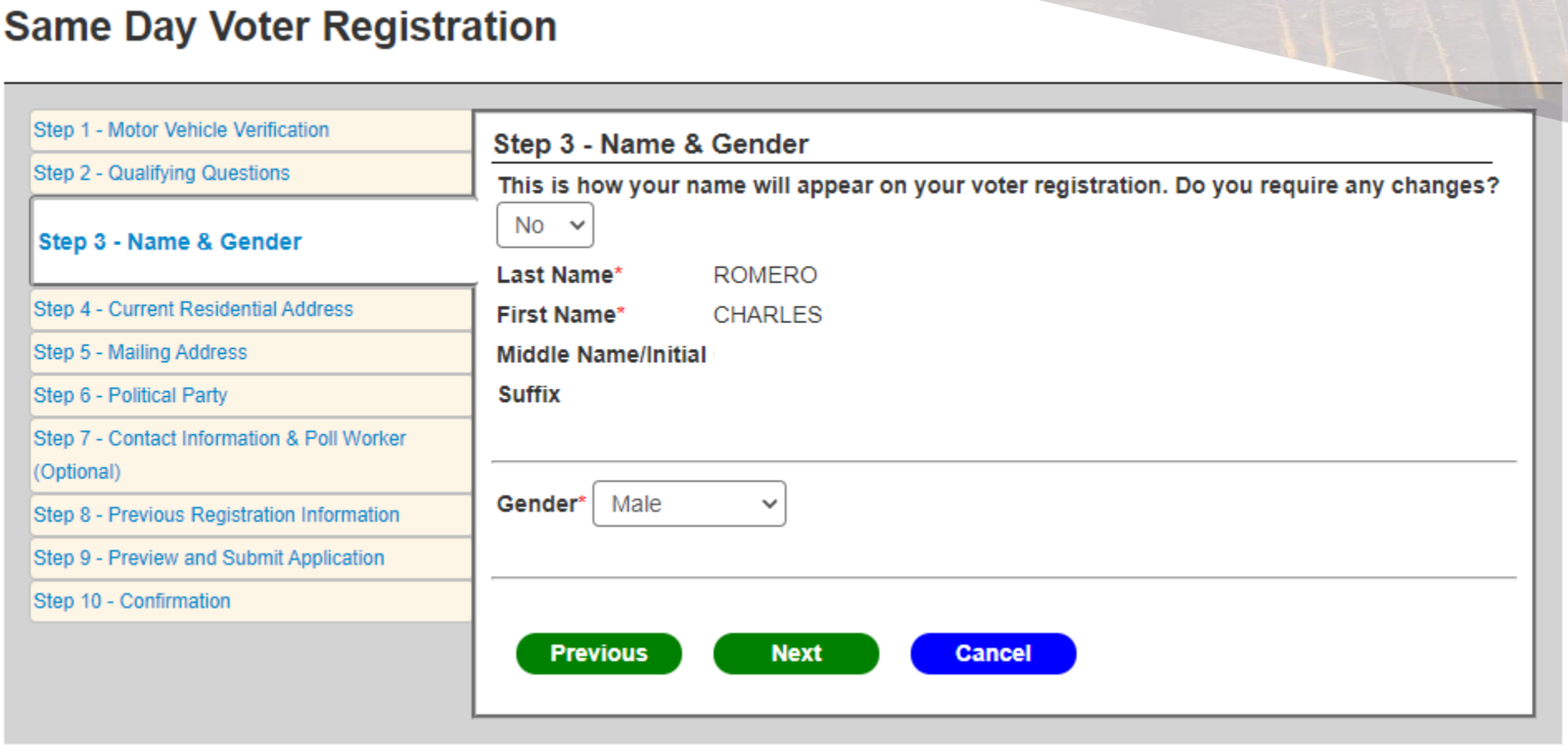


***IMPORTANT NOTE: Do NOT click on the browser's back button, or you will have to start over at the beginning—always use the NEXT or BACK buttons within the application.**

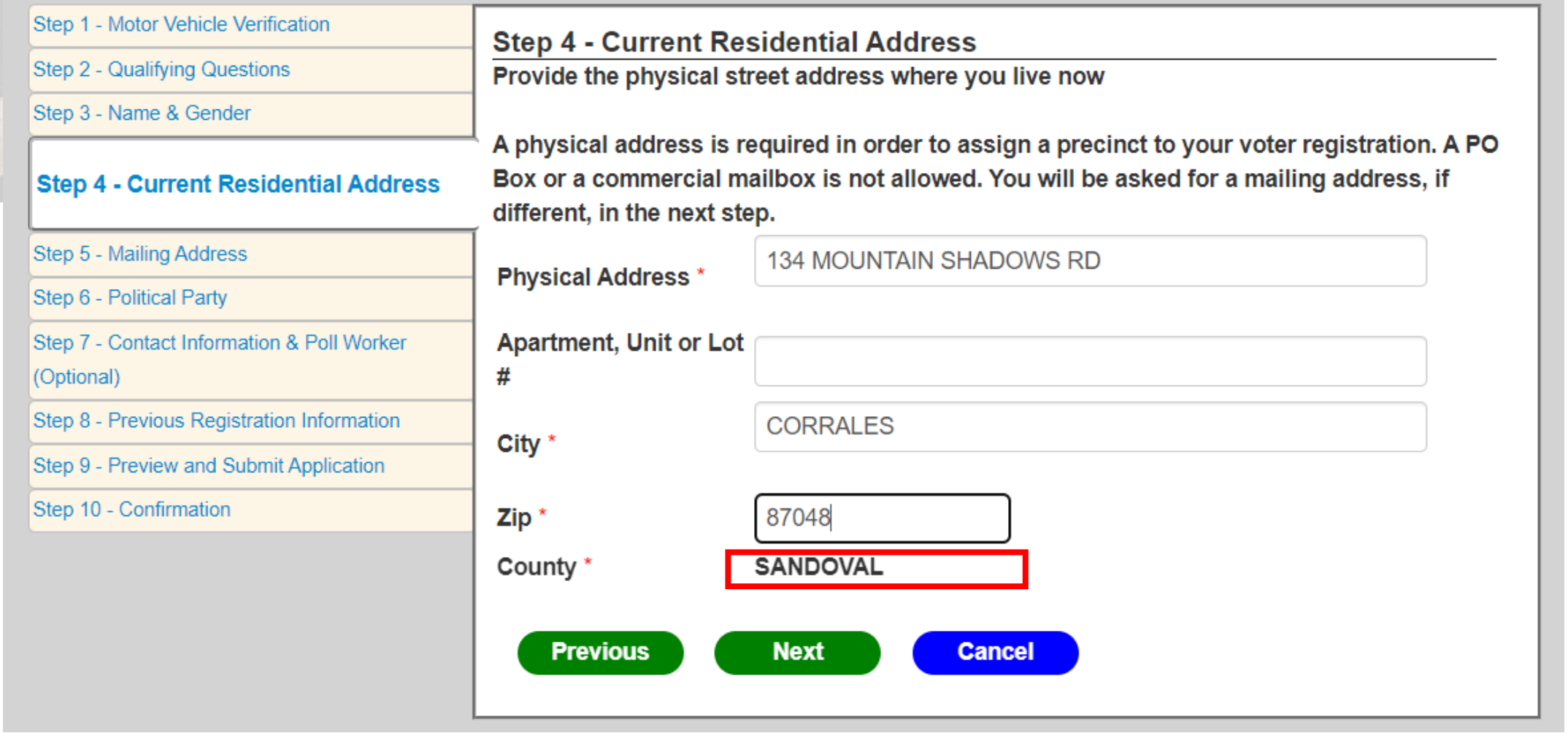
SDR Portal – Qualifying Questions



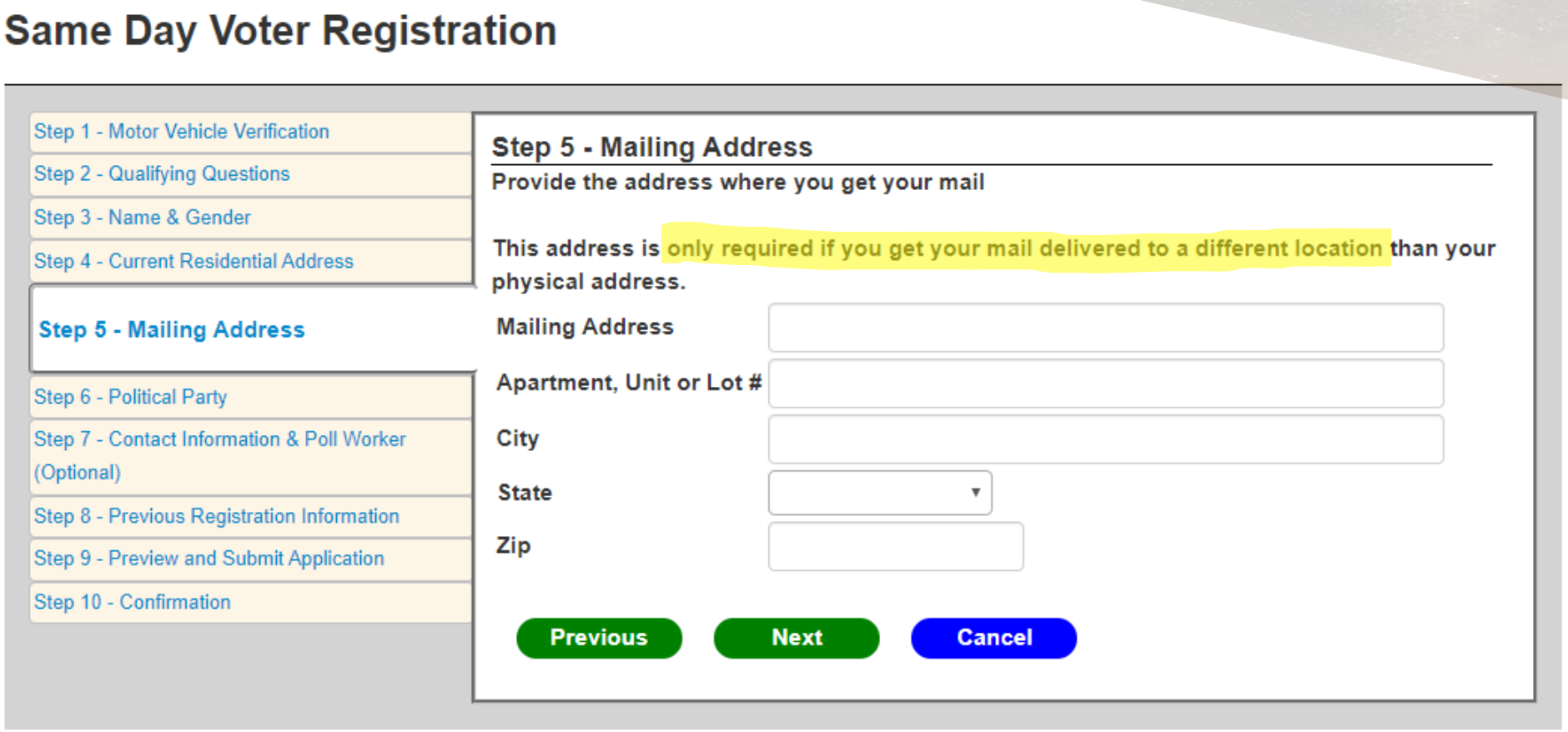
SDR Portal – Name & Gender



SDR Portal – Residential Address



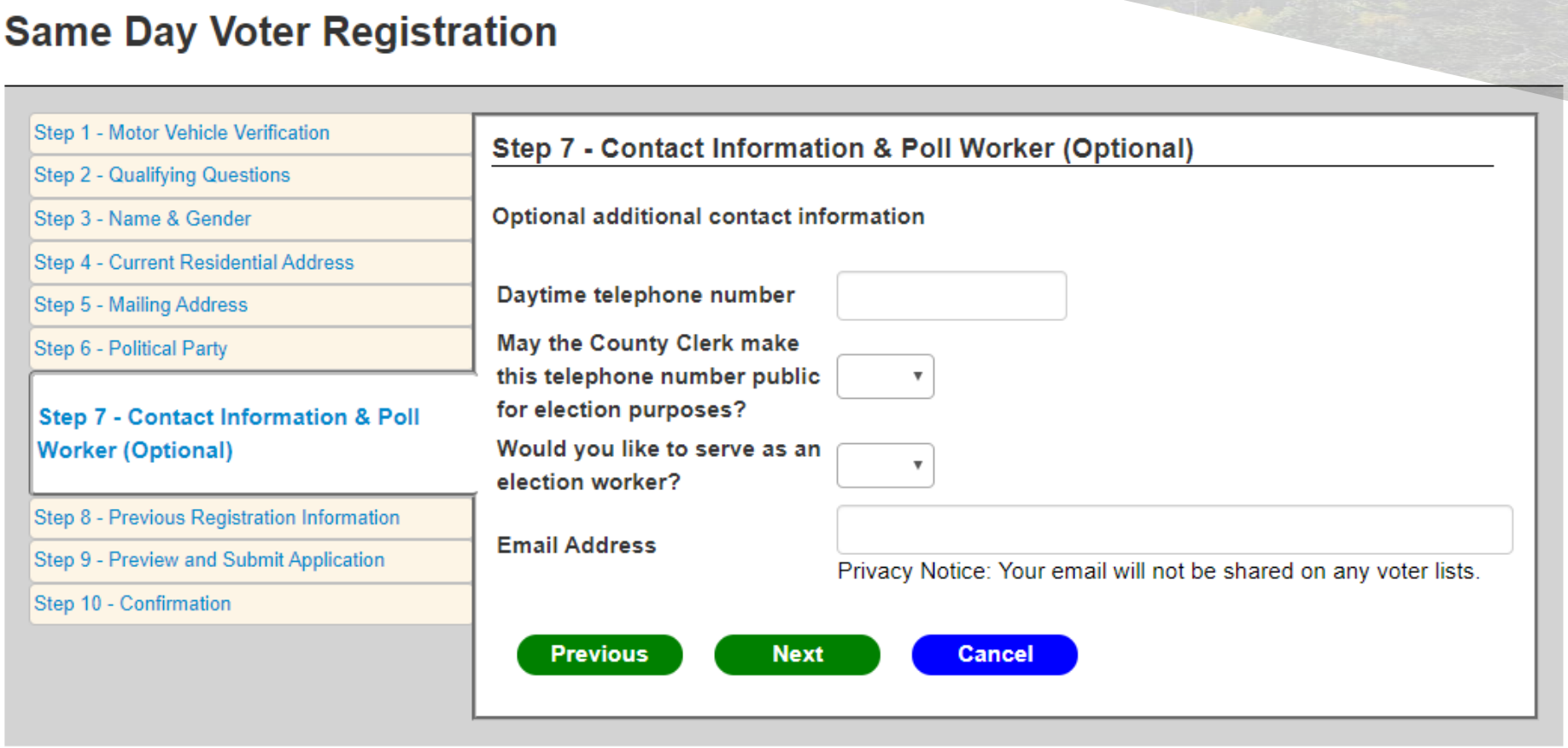
SDR Portal – Mailing Address



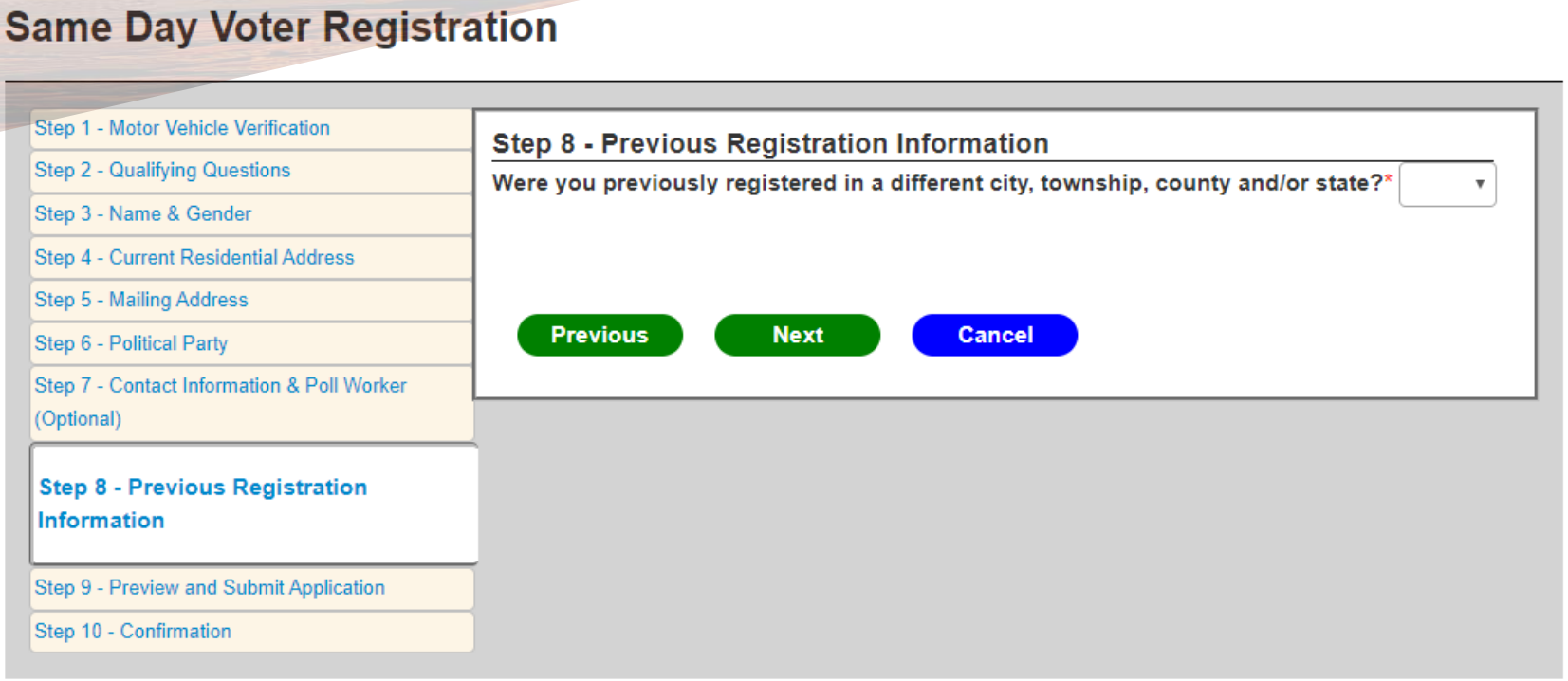
SDR Portal – Political Parties

- All qualified parties are listed here for the 2022 General Election

SDR Portal – Contact Information (Optional)

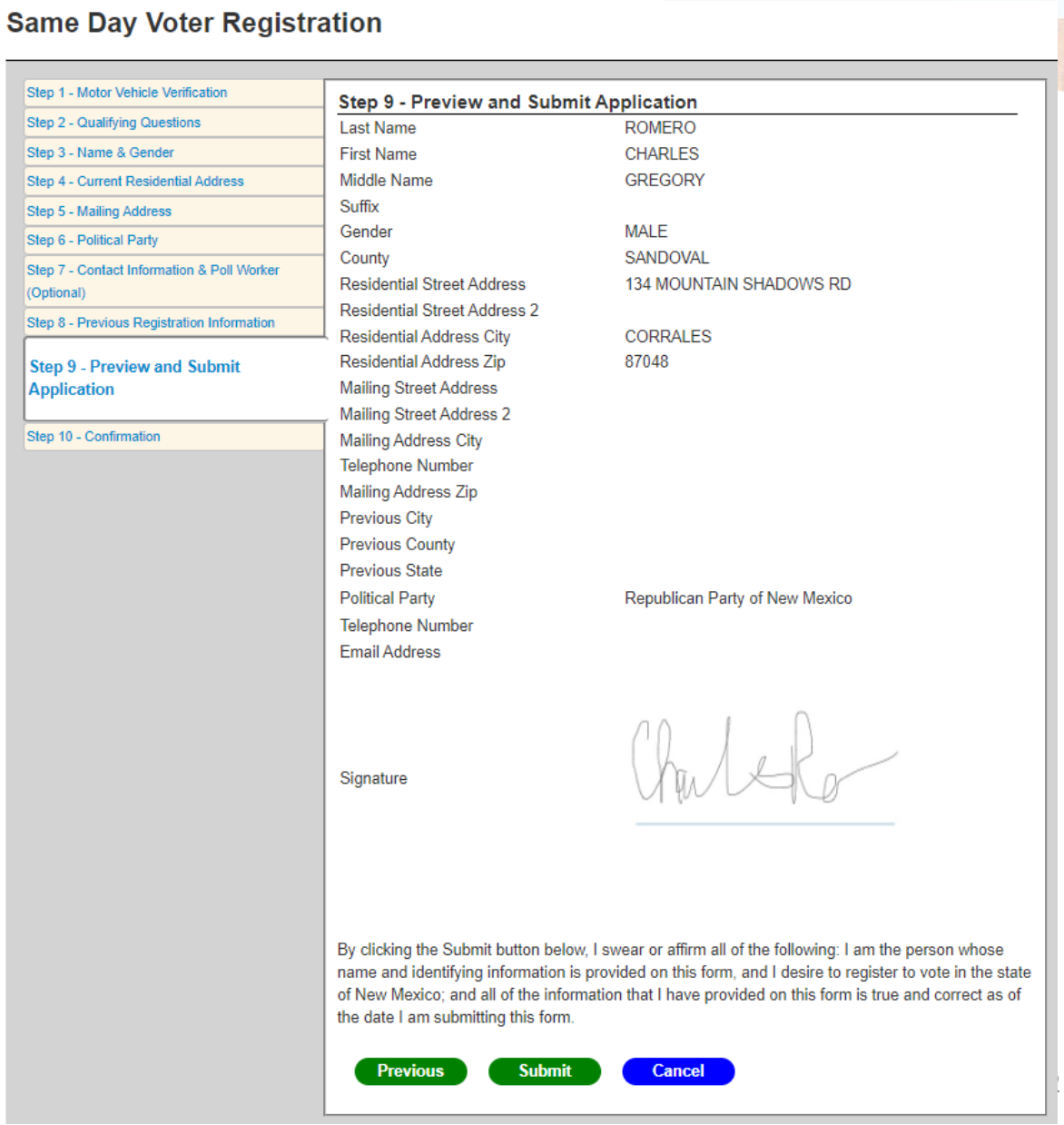


SDR Portal – Previously Registered in Another State?



- Use <u>ONLY</u> when voter was previously registered in a state OTHER than New Mexico
- When processed in SERVIS, notice is sent to previous state to cancel that registration

SDR Portal – Confirmation Page



- Voter must verify all information is correct
- To correct an error, use the **PREVIOUS** button to update information
- Once submitted, changes can only be made by submitting a new request

SDR Portal – Refresh

Upon submitting registration, SDR agent is taken to the **login page**.

Email Notification

CountyName	email
BERNALILLO	kfields@bernco.gov, tisanchez@bernco.gov, nsjaramillo@bernco.gov
CATRON	sharon.armijo@catroncountynm.gov, sherry.perez@catroncountynm.gov
CHAVES	elections@chavescounty.gov, cindy.fuller@chavescounty.gov, Casey.Higgins@chavescounty.gov, travis.williams@chavescounty.gov
CIBOLA	echavez@co.cibola.nm.us; denise.salcido@co.cibola.nm.us
COLFAX	rtrujillo@co.colfax.nm.us, storres@co.colfax.nm.us, jencinas@co.colfax.nm.us
CURRY	ahogland@currycounty.org; aancira@currycounty.org; awylie@currycounty.org
DE BACA	jeffhromas@plateautel.net, maec@plateautel.net
DONA ANA	elections@donaanacounty.org
EDDY	darlene@co.eddy.nm.us; cara@co.eddy.nm.us; susan@co.eddy.nm.us; jmcgee@co.eddy.nm.us; sworden@co.eddy.nm.us;
GRANT	cholguin@grantcountynm.gov; etrujillo@grantcountynm.gov;
GUADALUPE	rserrano@guadco.us; fmquintana@guadco.us; jromo@guadco.us;
HARDING	cj.garrison@hardingcounty.org; m.gonzalez@hardingcounty.org,
HIDALGO	alyssa.esquivel@hidalgocounty.org; melissa.delagarza@hidalgocounty.org
LEA	kmanes@leacounty.net; csandoval@leacounty.net;
LINCOLN	fsamora@lincolncountynm.gov;
LOS ALAMOS	clerks@lacnm.us; elections@lacnm.us
LUNA	berenda_mcwright@lunacountynm.us, leslie_nabours@lunacountynm.us, rachel_bishop@lunacountynm.us,
MCKINLEY	Marlene.Custer@co.mckinley.nm.us, Ronald.Johnson@co.mckinley.nm.us, Steve.Garcia@co.mckinley.nm.us, Pierrce.Jones@co.mckinley.nm.us, charleen.begay@co.mckinley.nm.us
MORA	vgurule@countyofmora.com; eduran@countyofmora.com; kgarcia@countyofmora.com;
OTERO	smaes@co.otero.nm.us; mmaynez@co.otero.nm.us;
QUAY	Veronica.Marez@QUAYCOUNTY-NM.GOV; Ellen.White@QUAYCOUNTY-NM.GOV; Elections@quaycounty-nm.gov;
RIO ARRIBA	SMartinez@rio-arriba.org, IGMaestas@rio-arriba.org, MLJordan@rio-arriba.org; Ljpadilla@rio-arriba.org;
ROOSEVELT	nbaca@rooseveltcounty.com; mpark@rooseveltcounty.com
SAN MIGUEL	lortega@co.sanmiguel.nm.us; ggutierrez@co.sanmiguel.nm.us; zgarza@co.sanmiguel.nm.us; jpgonzales@co.sanmiguel.nm.us;
SAN JUAN	tshelby@sjcounty.net; akuhn@sjcounty.net; arlentah@sjcounty.net;
SANDOVAL	kmiera@sandovalcountynm.gov; eydominguez@SandovalCountynm.gov; jxdominguez@SandovalCountynm.gov; BOE@sandovalcountynm.gov
SANTA FE	tatencio@santafecountynm.gov, elections@santafecountynm.gov, kclark@santafecountynm.gov, Jetorres@santafecountynm.gov,
SIERRA	egonzales@sierraco.org, strujillo@sierraco.org, awhitehead@sierraco.org
SOCORRO	mpaz@co.socorro.nm.us; bsaavedra@co.socorro.nm.us; earmijo@co.socorro.nm.us
TAOS	valerie.montoya@taoscounty.org; anna.martinez@taoscounty.org; Elena.Struck@taoscounty.org;
TORRANCE	Yotero@tcnm.us; Schavez@tcnm.us; gmorris@tcnm.us
UNION	marylou.harkins@unionnm.us, brenda.green@unionnm.us, devian.fields@unionnm.us
VALENCIA	candace.teague@co.valencia.nm.us; Sarah.Wallace@co.valencia.nm.us; Tyler.Willis@co.valencia.nm.us; Carlos.Aragon@co.valencia.nm.us; Kayla.Carrillo@co.valencia.nm.us

For changes or updates, send an email to:

nmclerks@state.nm.us

SDR in SERVIS

Tasks: Reject Selected OVR/MVD Records

Item	Total
MVD Registrations	214
OVR Registrations	42
SDR Registrations	8

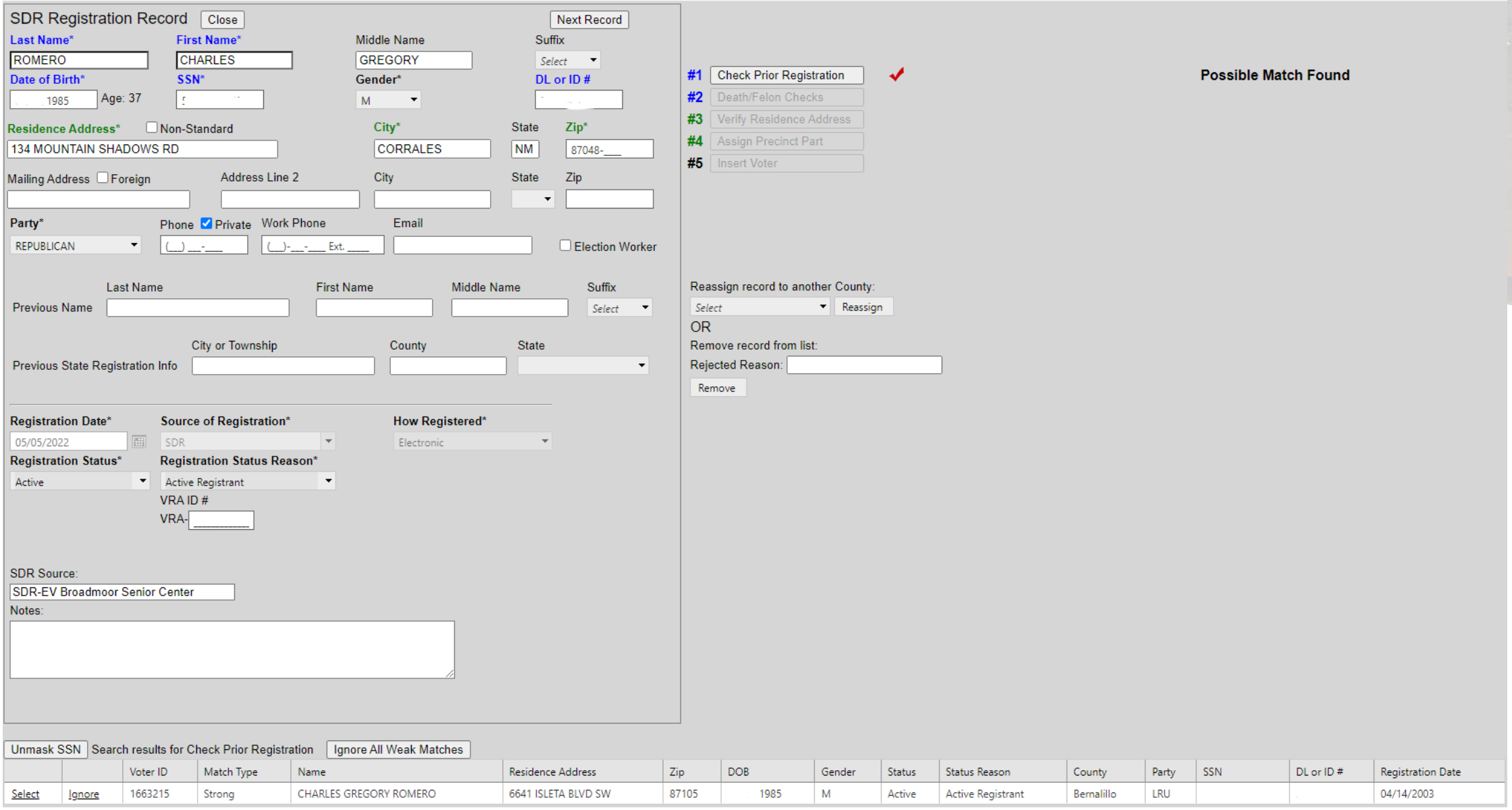
Batch Date	Total
05/04/2022	7
05/05/2022	1

Voter ID		Confirmation #	Name	Residence Address	City	Zip	DOB	Status	Status Reason	County	Party	Date Added/Updated	In use by
1188880	Reject	2411	ROMERO, CHARLES	134 MOUNTIAN SAHDOWS RD	CORRALES	87048	1985	Pending	Pending	Sandoval	REP	05/05/2022	

- All SDR registrations will appear in your SDR queue on the SERVIS home screen
- The SERVIS SDR queue should be cleared daily
- If you have duplicates, reject them as duplicates
- There **should not** be any remaining “pending” SDR records after the election

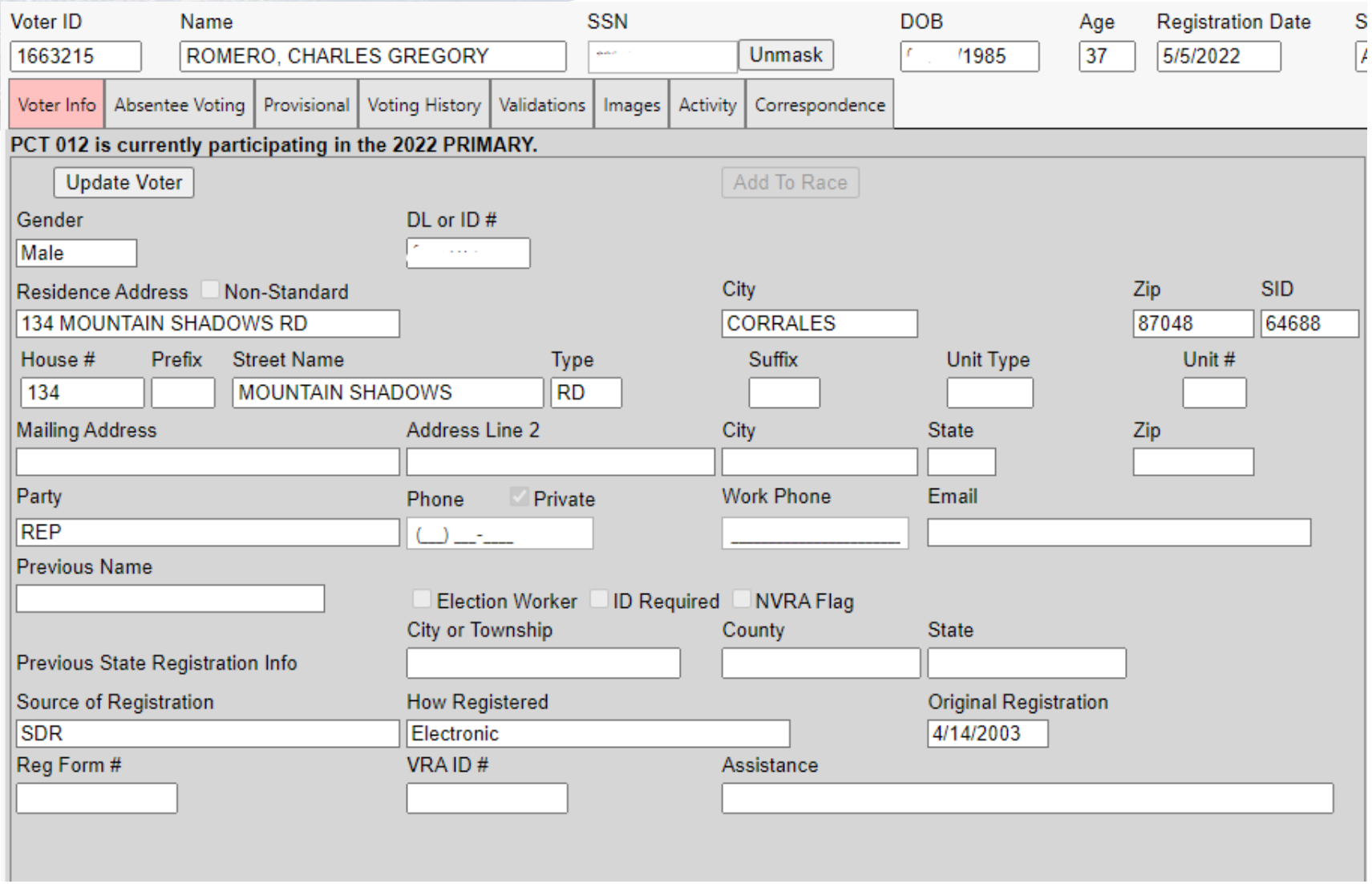
SDR in SERVIS

Go through all steps to find possible matches, verify address, etc.



SDR in SERVIS

The processed SDR record will be pushed to the BOD <u>within 5 minutes</u>.



Audit Trail

SDR Process Queue

County:	SANDOVAL
Polling Location:	**EV Broadmoor Senior Center**
Registration Date:	05/04/2022 mm/dd/yyyy
	Get Data Reset

Source County	Voter Name	Voter Address	Reg. Sent to Servis	Transferred	Voter ID
Sandoval	CHARLES ROMERO GREGORY	134 MOUNTAIN SHADOWS RD	5/4/2022 2:42:24 PM	False	
Sandoval	GREGORY ABATE X	6425 COVENTRY HILLS DR NE	5/4/2022 2:53:37 PM	False	
Sandoval	ATHENA ALBIN ANTOINETTE	170 AUTUMN LN	5/4/2022 3:03:56 PM	False	
Sandoval	GARRETT ABBEY ALLEN	1120 REYNOSA LOOP SE	5/4/2022 3:09:25 PM	False	
Sandoval	PAIGE ADAMS L	104 COLORADO MOUNTAIN RD NE	5/4/2022 3:20:35 PM	False	
Sandoval	DION AGUILAR MERRILL	2 SAN FELIPE ST	5/4/2022 3:44:21 PM	False	
Sandoval	CJ WALKER	2 SAN FELIPE ST	5/4/2022 3:50:04 PM	False	

SDR Audit Trail:

Tool used by registration officers to determine if registration was successfully processed.

Link:

https://portal.sos.state.nm.us/sdrshow/Default.aspx

SDR Lessons Learned

- October 11, 2022: Books are still open—counties have the option to process OVR/Paper Applications in SERVIS *or* from SDR Portal
- Be certain your Wi-Fi connection is reliable and secure (BOD vendors can provide Wi-Fi card to assist)
  - If SDR is unavailable due to internet, voter can utilize provisional process
- Ensure the SDR station has necessary add-on accessories (such as keyboard, battery, etc.)
- The SDR process can take 15 – 20 minutes; inform the voter of the wait time

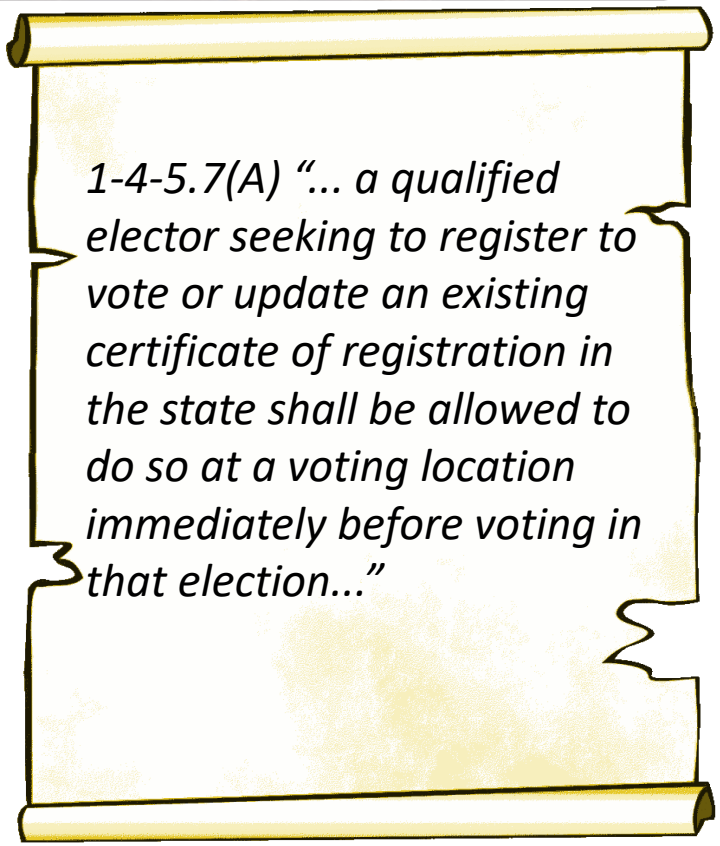
SDR Lessons Learned (continued)

- Once the record is submitted in SERVIS, you will **not** be able to change any of the information. You will need to go back to the beginning and submit a new request

- Do **NOT** use the browser BACK button to go to a previous screen. **Always use the PREVIOUS button** in the SDR application (NOTE: If you accidentally use the browser BACK button, you will need to start the registration process from the beginning)

- SDR registrants are expected to vote on the same day that they registered using SDR

The Law on Same Day Registration



ELECTION HANDBOOK Section 1-4-5.7 covers:

- When and where SDR may and/or must take place
- Alternate voting locations and authorized registration officers
- Items required to register using SDR

NOTE: Information provided as a partial overview—refer to the full text in the Election Handbook and/or your in-house counsel for legal advice regarding Same Day Registration law.

SDR: What to expect

SDR will open at 6:00am and close at 9:00pm every day during EV and on Election Day.

SDR SCENARIOS TO PREPARE FOR...

- Voters seeking to change party affiliation or other registration information
- Felons seeking to register
- Underage persons attempting to register
- Inactive voters

Important Upcoming Deadlines:

- List of Authorized Access to Alternate Voting Sites – NMAC 1.10.12.11 (A)(3)
  - October 21, 2022
- Notice of Election – NMSA 1978, 1-11-3
  - October 18, 2022 – November 1, 2022
- Voting Machine Certificates – NMSA 1978, 1-11-7
- Watchers- Last Day to Notify SOS (for Election Day) – NMSA 1978, 1-2-27
  - November 1, 2022
- Last day voter may submit Absentee Application – NMSA 1978, 1-6-5
  - November 3, 2022

You have questions, we have answers!

Send additional questions to nmclerks@state.nm.us

curryelections@currycounty.org

From: ToulouseOliver, Maggie, SOS <Maggie.TOliver@sos.nm.gov>
Sent: Wednesday, November 30, 2022 8:24 PM
To: SOS-33 County Clerks
Cc: Vigil, Mandy, SOS; Pino, Sharon, SOS; Bachman, Lindsey, SOS
Subject: [EXTERNAL SENDER] SOS Announcement

Good evening,

Congratulations on another successful election!

I'm excited to share some good news with all of you. Lindsey Bachman, who you all know very well, has joined the SOS team as our new Director of Legislative and Executive Affairs. Lindsey has so much experience and she has established relationships with so many of you that we know she will be a huge asset to us, and we feel very privileged that she has chosen to join our team.

Best,

Maggie

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Friday, September 16, 2022 3:14 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: SOS-Bureau of Elections; francisco.padilla@dominionvoting.com; Cathi Smothers; Ernie Marquez; Enrique Baca; David Davoust; Aaron Davis, Robis; Lamb, William, SOS
Subject: [EXTERNAL SENDER] Statewide Ballot Content Updates

Importance: High

Good afternoon,

I want to bring to your attention the updates on statewide ballot content to ensure we are all on the same page as you complete the ballot proofing process.

- **Candidate Challenge** Re: Jeremy Michael Gay for Attorney General: The court ruled this afternoon, and the candidate will remain on the ballot
- **Statewide Judicial Retention Question**: Re: Supreme Court Justice: "Position 1" text has been removed from this question.
- **Statewide Bond Questions**: We have followed the legislative language that numbers the question, i.e., Bond Question 1. This is different from past elections that included a letter to identify each question, i.e., Bond Question A.
    - This is determined by the legislature

Please reach out with any questions. Have a great weekend!

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Friday, September 30, 2022 5:30 PM
To: SOS-County Clerks Group; SOS-33 County Clerks; Whitehead, Amy; Trujillo, Shelly K.; Michelle S. Kavanaugh
Cc: SOS-Bureau of Elections; SOS-Leadership; Lamb, William, SOS
Subject: [EXTERNAL SENDER] System Certification Resources

Dear Clerks,

Based on questions received, we have updated the Voting System Certification Committee (VSCC) page on our website. You can now access the most recent copy of the Application for Certification, the Test Lab Report, and the Secretary of State's current Recertification Notice for each of our vendors (AES, DVS and Robis).

In an effort to promote education and transparency regarding our voting systems, we encourage you to invite your county commissioners to observe machine certification when it takes place in your county. Along with the posted documentation, this can be a highly effective way to correct misinformation and clarify misconceptions in-person and in real time.

Thank you for all you do to combat rumor with reality as we look forward to another successful General Election. Have a great weekend!

Best,

Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, October 17, 2022 1:37 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Trujillo, Shelly K.; Whitehead, Amy; Michelle S. Kavanaugh
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] System Reports

Importance: High

Hi all,

We have been made aware of intermittent system errors that have been reported when processing a voter registration record, specifically an SDR. Our office is actively investigating this report and resolution.

Please remind your teams that they should offer the individual a provisional ballot if they receive an error or are unable to utilize the automated SDR process at any time. Please ensure that the reason selected for the provisional ballot being issued is **Same Day Registration** so that you may use this to review/process the registration ahead of the provisional qualification.

Let us know if you have any questions at nmclerks@sos.nm.gov.

Thanks,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Monday, October 24, 2022 8:04 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Trujillo, Shelly K.; Whitehead, Amy
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] System Update - Stable through the weekend.

Good morning,

SOS IT, DoIt and our vendors have monitored all election systems throughout the weekend, and they have remained stable.

Please let us know if you have any questions and continue to report any issues at nmclerks@sos.nm.gov.

Have a great day!

Best,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Tuesday, October 11, 2022 10:50 AM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.; francisco.padilla@dominionvoting.com; Ernie Marquez; David Davoust
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS
Subject: [EXTERNAL SENDER] Training Opportunity: Non-Confrontational Techniques for Election Workers
Attachments: CISA Webinar_ Non-confrontational Techniques for Election Workers (10_13) .eml; CISA Webinar_ Non-confrontational Techniques for Election Workers (10_12).eml

Importance: High

Good morning, all,

CISA is hosting two sessions of *Non-confrontational Techniques for Election Workers* for **state and local election officials, poll workers, election workers, and private sector election partners** on Wednesday, October 12, 2022, at 1:00pm and Thursday, October 13, 2022, at 1:00pm Eastern via Microsoft Teams.

Please feel free to share with your teams. Let us know if you have any questions.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

From: Election Infrastructure SSA
Sent: Friday, October 7, 2022 2:44 PM
To: Election Infrastructure SSA <eisrma@cisa.dhs.gov>
Subject: Training Opportunity: Non-Confrontational Techniques for Election Workers

Election Partners,

CISA is hosting two sessions of *Non-confrontational Techniques for Election Workers* for **state and local election officials, poll workers, election workers, and private sector election partners** on Wednesday, October 12, 2022 at 1:00pm and Thursday, October 13, 2022 at 1:00pm Eastern via Microsoft Teams.

The *Non-Confrontational Techniques for Election Workers* training empowers election workers to safely navigate potentially escalating situations at election facilities and polling locations. The training seeks to help election workers recognize and evaluate suspicious behaviors holistically, obtain help when necessary, safely de-escalate, and report appropriately within their organization or to law enforcement. Personal safety is paramount and non-confrontational techniques can serve as an important component of a comprehensive security practice to mitigate potential violence.

Below are the links for each session and the invites also are attached:

- Wednesday, October 12, at 1:00pm Eastern: https://bit.ly/3rA5KDN
- Thursday, October 13, at 1:00pm Eastern: https://bit.ly/3RM8J6R

Please note, state and local election offices and private sector election partners can request that CISA provide this training for their organization and employees.

Like other CISA election trainings, this training opportunity is available at no-cost and can be presented at election official convenings, association meetings, or other events. All training offerings are customizable and can be tailored to meet specific stakeholder needs. To request this training or other trainings, either in-person or virtually, please email electionsecurity@cisa.dhs.gov or contact your regional CISA office.

Thank you,

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Thursday, September 22, 2022 2:52 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: SOS-Leadership; SOS-Bureau of Elections; Vigil, Mandy, SOS; Lamb, William, SOS; Romero, Charles, SOS; Valdez, Felecia, SOS; Ernie Marquez, AES; Enrique Baca; David Davoust; Aaron Davis, Robis; francisco.padilla@dominionvoting.com
Subject: [EXTERNAL SENDER] UOCAVA Reminder - Important Deadline: Saturday, September 24, 2022
Attachments: ETS Affidavit_2022 General.pdf; UOCAVA Fact Sheet.pdf; UOCAVA FAQs.pdf

Good afternoon,

The federal and state deadline to send military and overseas voters' ballots is Saturday, September 24, 2022. Any federal qualified elector (FQE) that has an active absentee application on file with your office that is eligible to participate in the general election MUST be sent a ballot no later than this Saturday. This is a critical deadline, and we are required to provide a compliance report on all 33 counties on Monday, September 26, 2022, to the US Department of Justice (DOJ).

Please continue to monitor the Manage Absentee Applications page and the UOCAVA by mail, by email, and by fax queue in SERVIS. The SOS team is working through the final reviews of ETS ballots for a few counties (most have been posted in SERVIS/are ready to go), and we anticipate completing this process for all counties by end of day. The 'send emails' button is enabled, so folks can plan to start sending items as soon as these reviews are complete.

As a reminder, county offices must be available and process any same day FQE applications received on Saturday, September 24, 2022. By the end of day on Saturday, please submit your report in Clerks' Portal reporting the number of all VALID applications received by your county on or before September 24, 2022, and the number of ballots sent out on or before September 24, 2022. Clerks' Portal:
https://portal.sos.state.nm.us/ClerksPortal/LoginPage.aspx?ReturnUrl=%2fClerksPortal%2fAdmin%2fSDRUserList.aspx

SOS staff will be available for support throughout this weekend's deadline. Please submit questions to the helpdesk at: nmclerks@state.nm.us
On Saturday, Mandy and I are your contacts/use the numbers included below.

Mandy – 505.660.4045
Charlotte – 505.819.7623

If you haven't already done so, please take a couple of minutes to ensure that the UOCAVA reply to email and CC information under County Utilities > County Office Information (in SERVIS) is accurate. If a voter emails their ballot to the NM.Ballotdelivery@state.nm.us, we will be forwarding them to your county daily.

Thank you for all that you do (and have a lovely "last day of summer")!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

ETS
(ELECTRONIC TRANSMISSION SERVICE)
ABSENTEE BALLOT INSTRUCTIONS

Your electronically transmitted ballot must reach the County Clerk in your county no later than the close of the polls on Election Day **(7:00PM on November 8, 2022)** in order to be counted. Return your completed ballot as soon as possible.

Please follow the checklist below. READ IT VERY CAREFULLY AND COMPLY WITH EACH INSTRUCTION THAT APPLIES TO THE BALLOT. FAILURE TO DO SO MAY RESULT IN THE LOSS OF YOUR VOTE.

- ☐ 1. Fill the oval ⬭ **COMPLETELY** like this ⬬ to the left of the name of the person that you want to vote for.
- ☐ 2. Be sure to vote for the number of candidates allowed for each office.
- ☐ 3. (If applicable in this election), you may write in the name of a declared write-in candidate. A declared write-in candidate is one who has properly filed a declaration of candidacy prior to the election. To write in the name of a declared write-in candidate, fill in the oval ⬭ **COMPLETELY** like this ⬬ to the left of the line provided for write-in candidates below the office. You must also write the NAME of the candidate on the line provided. Your vote will be counted only if you write in the name as follows: two initials and last name; or first name, middle initial or middle name, and last name; or first name and last name; or the full name as it appears on the declaration of intent to be a write-in candidate.
- ☐ 4. (If applicable in this election), If you desire to vote YES/NO or FOR/AGAINST for a question appearing on the ballot, fill in the oval ⬭ **COMPLETELY** like this ⬬ to the left of the appropriate question response.
- ☐ 5. DO NOT MAKE ANY OTHER MARKS OR ERASURES ON YOUR BALLOT. ENSURE THAT THE OVAL IS COMPLETELY FILLED.
- ☐ 6. COMPLETE and SIGN the Affidavit of Electronic Transmission.
- ☐ 7. FAX or email your voted ballot and the Affidavit to the Election Official responsible for the election that is being conducted

ETS
(SERVICIO DE TRANSMISIÓN ELECTRÓNICA)
INSTRUCCIONES DE BOLETA AUSENTE

Su boleta transmitida electrónicamente debe llegar al Escribano del Condado de su condado a más tardar al cierre de las urnas el día de las elecciones **(7:00PM el 8 de noviembre de 2022)** para que se pueda contar. Devuelva su boleta completa lo antes posible.

Por favor, siga la lista de verificación a continuación. LÉALO MUY CUIDADOSAMENTE Y CUMPLA CON CADA INSTRUCCIÓN APLICABLE A LA BOLETA. EL NO HACERLO PUEDE RESULTAR EN LA PÉRDIDA DE SU VOTO.

- ☐ 1. Llene el óvalo ⬭ **COMPLETAMENTE** así ⬬ a la izquierda del nombre de la persona para la que desea votar.
- ☐ 2. Asegúrese de votar por la cantidad de candidatos permitidos para cada puesto.
- ☐ 3. (Si corresponde en esta elección), puede escribir el nombre de un candidato declarado por escrito. Un candidato declarado por escrito es aquel que ha presentado correctamente una declaración de candidatura antes de la elección. Para escribir el nombre de un candidato declarado por escrito, complete el óvalo ⬭ **COMPLETAMENTE** así ⬬ a la izquierda de la línea provista para los candidatos por escrito debajo de la oficina. También debe escribir el NOMBRE del candidato en la línea provista. Su voto se contará solo si escribe el nombre de la siguiente manera: dos iniciales y apellido; o primer nombre, inicial del segundo nombre o segundo nombre y apellido; o nombre y apellido; o el nombre completo tal como aparece en la declaración de intenciones de ser un candidato por escrito.
- ☐ 4. (Si corresponde en esta elección), Si desea votar SI/NO o EN FAVOR/EN CONTRA de una pregunta que aparece en la boleta, llene el óvalo ⬭ **COMPLETAMENTE** así ⬬ a la izquierda de la respuesta a la pregunta.
- ☐ 5. NO HAGA NINGUNA OTRA MARCA O BORRADOS EN SU BOLETA. ASEGÚRESE DE QUE EL ÓVALO ESTÉ COMPLETAMENTE LLENADO.
- ☐ 6. COMPLETE y FIRME la Declaración Jurada de Transmisión Electrónica.
- ☐ 7. Envíe un FAX o envíe por correo electrónico su boleta votada y la Declaración al Oficial Electoral responsable de la elección que se está llevando a cabo.

AFFIDAVIT OF ELECTRONIC TRANSMISSION

DECLARACIÓN JURADA DE TRANSMISIÓN ELECTRÓNICA

I, _____, first being duly sworn, declare and affirm that:
(Voter's Name)

Yo, _____, primero siendo jurado debidamente, declaro y afirmo que:
(Nombre del Votante)

1) I am a federal qualified elector, uniformed-service voter or overseas voter, as defined by the New Mexico Election Code;
Yo soy un elector calificado federal, elector de los servicios uniformados o votante extranjero, como definido por el Código Electoral de Nuevo México;

2) For the purpose of electronic transmission of an absentee ballot, I do hereby WAIVE the right of secrecy of my ballot, pursuant to Section 1- 6B-8 NMSA 1978; and
Para el propósito de la transmisión electrónica de una boleta de votante ausente, yo por lo presente RENUNCIO a mi derecho de una votación secreta, conforme a la Sección 1-6B-8 NMSA 1978; y

3) I am only waiving my right of secrecy of my ballot for the election to be held on
Renuncio a mi derecho de una votación secreta solo para la elección que se llevará a cabo

Date of the Election/Fecha de la Elección:

_____, 20_____
(Month/Mes) (Year/Año)

_____
Signature of Affiant/Firma de Afable

UOCAVA Fact Sheet

Election Day: November 8, 2022 Primary Election

Deadlines:

Voter to register (mail or online)	Tuesday, October 11, 2022
Voter to request a ballot	Thursday, November 3, 2022
Clerk to transmit ballot to voter	Within 24 hours of receiving application
Clerk to receive voted ballot	By 7:00 p.m. on Election Day
Ballot availability	45 days prior to the election

Federal Law	*UOCAVA (42 USC § 1973ff)*
Register to Vote Using	For Federal Qualified Electors (FQE): • Federal Post Card Application (FPCA) • Federal Write-in Absentee Ballot (FWAB) • Voter registration form If not currently registered, the FPCA can be used as a registration and absentee request for the election cycle. If the voter is currently registered, the FPCA constitutes a change of registration, in addition to an absentee request. According to FVAP, this becomes a permanent registration to be handled like any other voter registration in New Mexico. The form submitted should be retained as the voter registration, and a copy should be used for the absentee application.
Request a Ballot Using	FPCA, FWAB
Ballot	Regular ballot or FWAB
Ballot eligibility	Full ballot
Latest day to send ballots by the Clerk	Not later than the Friday immediately prior to the date of the election.
Timely receipt of Ballot	Received by the appropriate clerk no later than the closing of the polls on election day.
Transmission method (to voter)	Mail, email or fax – per voter's request.
Lifespan of FPCA request	An application for a military-overseas ballot is effective as an automatic application for the rest of the federal election cycle. If the federal qualified elector provides an email address and requests electronic delivery of their ballot, the application is to be considered a standing request for electronic delivery of a ballot for all elections in the election cycle.
Witness requirement	No.
Handling deficiencies	Voter must be informed of reason for denial.

Sending Ballots to UOCAVA voters

For statewide elections, ballots must be ready to send to UOCAVA voters at least 45 days before the election.

By Mail

Ballots must be mailed unless the voter requests that the ballot be sent electronically.

Include the following with each ballot request:

- A ballot.
- Mailed ballot instructions.
- An inner secrecy envelope.
- An outer return envelope.

By Electronic Transmission (fax or email)

If a UOCAVA voter requests that their ballot be sent electronically, you must honor that request. Voters must indicate this choice on their request and provide their email address or fax number. If a voter does not provide an email address or fax number, send the ballots by postal mail.

Include with each e-transmission ballot:

- A ballot.
- E-transmission ballot instructions.
- Affidavit waiving right of secrecy.

The clerk shall accept absentee ballots by electronic submission from FQEs and overseas voters if:

1. The voter signs an affidavit waiving the right of secrecy of the voter's ballot;
2. The voter transmits the affidavit with the absentee ballot; and
3. The transmission of the absentee ballot and affidavit are received by the county clerk no later than 7:00 pm on Election Day.

The Federal Write-In Absentee Ballot (FWAB)

An FWAB may be used to vote for all offices and ballot measures in an election.

An FWAB is a completely blank write-in ballot that does not contain any offices or candidates' names.

The FWAB can be used by a uniform service voter and overseas voter. In completing the FWAB, the voter may designate a candidate by writing in the name of the candidate. In a general election when voting for a specified office, the voter may in the alternate complete the FWAB by writing in the name of a political party.

How the ballot is counted:
Under UOCAVA, the uniform service voter or overseas voter may designate a candidate in writing in the name of the candidate or by writing the name of a political party (in which case the ballot shall be counted for the candidate of that political party)

Under UOCAVA, any abbreviation, misspelling or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

Under state law, a qualified FWAB shall be processed by the canvassing board in the same manner as a provisional ballot.

1. An FWAB shall not be qualified if the FQE voted on any other type of ballot.
2. An FWAB of an overseas voter shall not be qualified if the ballot is submitted from any location in the United States.

1-6B-10(C)

Frequently Asked Questions

Uniform Military and Overseas Voters Act (Article 6B)

Who qualifies for a military or overseas ballot under the UOCAVA Act?

A federal qualified elector (FQE) – which is defined as "an overseas voter or a uniformed services voter."

What is an overseas voter?

An overseas voter is a US citizen that is outside the US and who:

(1) Is temporarily absent from the individual's residence in this state; or
(2) Before leaving the US, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies the voter eligibility requirements; or
(3) Before leaving the US, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies the voter eligibility requirements; or
(4) Was born outside the US, is not otherwise described in this section and, except for a state residency requirement, otherwise satisfies the voter eligibility requirements, if:
    - NM was the last place where a parent or legal guardian of the individual was eligible to vote before leaving the US, AND
    - The voter has not previously registered to vote in any other state.

What is a uniformed service voter?

A uniformed service voter is an individual who is a US citizen, whose voting residence is in this state, who otherwise satisfies the voter eligibility requirements and is:

(1) A member of the active or reserve US military and is on active duty and who by reason of active duty is absent from NM; or
(2) A member of the merchant marine, commissioned corps of the public health service, the astronautics and space administration or the commissioned corps of the national oceanic and atmospheric administration of the US and who by reason of that service is absent from the state; or
(3) A member on activated status of the national guard or state militia and who by reason of that active duty is absent from the member's county of residence; or
(4) A spouse or dependent of the above.

What is an FPCA?

An FPCA is a federal post card application provided by the US Department of Justice that can be used by qualifying military or overseas voters living outside of the US, to simultaneously to register to vote/make updates and apply for an absentee ballot.

What is an FWAB?

An FWAB is a federal write-in absentee ballot provided by the US Department of Justice; it's a completely blank write-in ballot (does not contain any offices or candidate names) but may be used by an FQE voter (to cast their ballot) if they do not receive their regular ballot in a timely manner.

Is a voter registration from an FQE considered to be temporary (election cycle only) or permanent?

The federal post card application (FPCA), when used as a voter registration, is permanent and should be treated the same as any voter registration in New Mexico. Once the FQE voter is registered, he or she should remain in the voter file until cancelled or purged in accordance with state or federal law.

As an absentee application, will the FQE have to submit a separate FPCA for each election?

No. An application for a ballot for a primary election, **whether timely or not,** is effective as an automatic application for a general election ballot. The FPCA is good for an election cycle.

What if a county clerk receives an FPCA after the books are closed?

If an FPCA is received after the books are closed and the individual is not already registered to vote in NM, then they are not eligible for registration until after the books re-open. Once books re-open, the individual should be registered and absentee ballots for subsequent elections in the election cycle should be provided.

Can clerks reject FPCAs that do not contain the full SSN?

Clerks should make every effort to contact the voter to obtain the missing information or contact the Federal Voting Assistance Program (FVAP) to assist in obtaining the missing information (1-800-438-8683). If the information cannot be obtained through those efforts, the FPCA should be rejected in the same manner as an incomplete voter registration is rejected.

How do counties enter FQE registrations in SERVIS?

A Uniformed Service Voter or Overseas Voter should be entered with an "**Active**" status and a Reason code of "**Federal Qualified Elector**." If the voter is already registered, the FPCA constitutes a change of registration if anything needs to be changed.

Are county clerk offices required to be open on the 45th day prior to the election to process FQE or overseas voter applications?

Yes. 1-6B-7(A), NMSA 1978 states that, not later than 45 days before an election, even if the 45th day before an election falls on a weekend or a holiday, the appropriate clerk shall transmit a ballot and balloting materials to all federal qualified electors who, by that date submit a valid military-overseas ballot application.

Can clerks begin mailing or transmitting FQE and overseas ballots before Saturday, September 24?

Yes. UOCAVA provides that ballots should be mailed no later than the 45th day before the election. Although state law says, "beginning 45 days prior," the federal law should be followed, and ballots can be transmitted prior to the 45th day.

Will the DOJ be monitoring our compliance with this law?

Yes. We are required to submit compliance reports to the DOJ. Counties must submit a survey available in the Clerks' Portal by the 45th day prior to the election (September 24, 2022) The Secretary of State will provide a report to the DOJ no later than Monday, September 26, 2022.

What about emergency response providers who are registered in NM but are temporarily assigned to provide aid or relief outside the state?

An emergency response provider may apply for a ballot, receive a ballot, and submit a marked ballot by mail, fax, or email. They may **NOT** use the FPCA or FWAB.

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Friday, September 23, 2022 2:24 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Juan E. Torres
Cc: SOS-Leadership; SOS-Bureau of Elections; Vigil, Mandy, SOS; Lamb, William, SOS
Subject: [EXTERNAL SENDER] Update: Eligible But Unregistered (EBU) Mailer
Attachments: EBU-FAQ-9-22-2022.pdf

Good afternoon,

This week, the SOS began sending Eligible But Unregistered (EBU) notices (mailer) in accordance with our state's participation in ERIC. The postcard provides basic information on where to find voter registration resources and important election dates. 49,220 cards were sent statewide.

Attached is an FAQ document; please feel free to use this resource to assist in responding to constituent inquiries. This information is also available on the SOS website. The FAQ provides a visual of the postcard, larger print of the text, questions, and answers with links to the Voter Information Portal and SOS website. If you have any questions, please reach out to the SOS at NMClerks@state.nm.us.

Thank you and have a wonderful weekend!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

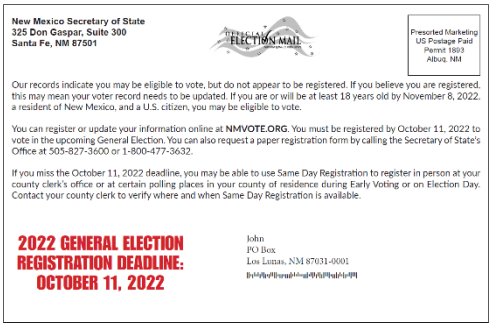
#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE


New Mexico Secretary of State
325 Don Gaspar, Suite 300
Santa Fe, NM 87501

ELECTION MAIL

Prescribed Marketing
US Postage Paid
Permit 1803
Albuq, NM

Our records indicate you may be eligible to vote, but do not appear to be registered. If you believe you are registered, this may mean your voter record needs to be updated. If you are or will be at least 18 years old by November 8, 2022, a resident of New Mexico, and a U.S. citizen, you may be eligible to vote.

You can register or update your information online at **NMVOTE.ORG**. You must be registered by October 11, 2022 to vote in the upcoming General Election. You can also request a paper registration form by calling the Secretary of State's Office at 505-827-3600 or 1-800-477-3632.

If you miss the October 11, 2022 deadline, you may be able to use Same Day Registration to register in person at your county clerk's office or at certain polling places in your county of residence during Early Voting or on Election Day. Contact your county clerk to verify where and when Same Day Registration is available.

2022 GENERAL ELECTION REGISTRATION DEADLINE: OCTOBER 11, 2022

John
PO Box
Los Lunas, NM 87031-0001

EBU FAQs

Eligible But Unregistered

"Our records indicate that you may be eligible to vote, but do not appear to be registered. If you believe you are registered, this may mean your voter record is out of date. If you are or will be at least 18 years old by November 8, 2022, a resident of New Mexico and a U.S. citizen, you may be eligible to vote.

*You can register or update your information online at **nmvote.org**. You must be registered by October 11, 2022 to vote in the upcoming General Election. You can also request a paper form by calling the Secretary of State's Office at 505-827-3600 or 1-800-477-3632.*

If you miss the October 11, 2022 deadline, you may be able to use Same Day Registration to register in person at your county clerk's office or at certain polling places in your county of residence during Early Voting or on Election Day. Contact your county clerk to verify where and when Same Day Registration is available."

Why did I get this postcard in the mail?

You or someone in your household was identified as potentially eligible to vote but with no active voter registration record. This includes individuals who will turn 18 years of age by Election Day (November 8, 2022). This postcard is part of statewide outreach efforts to encourage civic participation. It serves as an invitation/reminder to register to vote and participate in the upcoming 2022 General Election.

How did our name or address get on the list?

The list is derived from a national program, the Electronic Registration Information Center (ERIC), which New Mexico joined in 2016.

ERIC cross-references state voter databases and motor vehicle records to identify potential unregistered voters. Several events could cause your name to appear on the ERIC list.

- You may have applied for a New Mexico driver's license or state ID, and the information provided indicates that you meet the eligibility requirements to register to vote in the state.
- Your MVD information indicates that you will turn 18 years of age by Election Day, but you have not yet registered to vote.
- There may be slight differences (or errors) in the information provided to the MVD, which prevented a match with your existing active voter registration record. For example, your information (such as address) may have been changed in your MVD records, causing a system mismatch.

What do I need to do if I receive this card?

- This card is sent as a courtesy to alert you that, although you may be eligible to vote in the upcoming election, you may need to register or update your registration to vote in the 2022 General Election.
- You can check your registration status, register online, or download the form to register by mail at **nmvote.org**. Registration online or by mail will end on **October 11, 2022**. After this deadline, you will only be able to register and vote in the General election using in-person Same Day Registration. **Click here to learn more about SAME DAY REGISTRATION**.
- If you have an issue with retrieving your voter registration information from the system, you may need to register again to correct or update your information. The Secretary of State's Office or your county clerk's office can help check the status of your voter record.

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Thursday, October 20, 2022 6:19 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Bureau of Elections; SOS-Leadership; Lamb, William, SOS; Aaron Davis, Robis; David Davoust; Ernie Marquez, AES; Adrian Leyva; Enrique Baca; Francisco Padilla
Subject: [EXTERNAL SENDER] UPDATE: System Performance Issues

Good evening,

While troubleshooting the intermittent performance issue this afternoon, we successfully cleared the condition. Along with our state and vendor partners, we will continue to monitor throughout the evening and we are prepared to react should the symptoms recur.

We understand the terrible timing of this and appreciate how stressful it has been for all of you and we are grateful for your understanding.

Have a good evening and we will chat tomorrow.

Best,
Mandy

> On Oct 20, 2022, at 1:19 PM, Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov> wrote:
>
> Good afternoon,
>
> In an effort to resolve the system issues we are experiencing; the election systems will be offline for 15mins. The outage will begin at 1:45pm and conclude by 2:00pm this afternoon. No action is needed from your teams but we wanted to make you aware.
>
> Thank you all for your patience.
>
> Best,
> Mandy
>
> ---
>
> **From:** Vigil, Mandy, SOS
> **Sent:** Tuesday, October 18, 2022 5:47 PM
> **To:** SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>; Whitehead, Amy <awhitehead@sierraco.org>; Trujillo, Shelly K. <strujillo@sierraco.org>
> **Cc:** SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; SOS-Leadership <SOS-Leadership@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>; Aaron Davis, Robis <adavis@robis.net>; David Davoust <ddavoust@robis.net>; Ernie Marquez, AES <emarquez@electionpeople.com>; Adrian Leyva <ALeyva@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>; Francisco Padilla <francisco.padilla@dominionvoting.com>
> **Subject:** UPDATE: System Reports

Good evening all,

I wanted to provide you with an update on the intermittent system issues some of you may be experiencing.

The SOS's IT staff have been engaged throughout the day on the performance issues in our production hosting environment. We have involved DoIT, but thus far have not been able to isolate a root cause. They made some changes a little after 5 PM and will be monitoring throughout the evening to see if they have any effect on the symptoms. We are preparing to enlist the support of a vendor in the morning if these changes do not prove to be fruitful.

We are working on contingency plans should this persist. Wish we had better news, but wanted to share the current status because we know you are all deeply affected and concerned.

Best,
Mandy

> On Oct 18, 2022, at 12:22 PM, Romero, Charles, SOS <Charles.Romero@sos.nm.gov> wrote:
>
> Good Afternoon County Clerks,
>
> There will be an outage until 1pm with SERVIS and other related services as our office performs a reboot to our CPU. The SERVIS web server is unresponsive at the moment and therefore the reboot is necessary to resolve this unresponsiveness. The IT Team is working aggressively to resolve the issues that we have faced in the past 2 days. We will provide updates as soon as they are made available. Thank you all for your hard work and patience.
>
> Regards,
>
> **<image002.jpg>**
> **Charles Romero | Elections Program Coordinator**
> New Mexico Office of the Secretary of State
> 325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
> Cell: (505) 819-7628 | Desk: (505) 827-3634
> Charles.Romero@sos.nm.gov
>
> ---
>
> **From:** Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
> **Sent:** Monday, October 17, 2022 1:37 PM
> **To:** SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
> **Cc:** SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>

Subject: System Reports
Importance: High

Hi all,

We have been made aware of intermittent system errors that have been reported when processing a voter registration record, specifically an SDR. Our office is actively investigating this report and resolution.

Please remind your teams that they should offer the individual a provisional ballot if they receive an error or are unable to utilize the automated SDR process at any time. Please ensure that the reason selected for the provisional ballot being issued is **Same Day Registration** so that you may use this to review/process the registration ahead of the provisional qualification.

Let us know if you have any questions at nmclerks@sos.nm.gov.

Thanks,
Mandy

<image003.jpg>

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Tuesday, October 18, 2022 5:47 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Bureau of Elections; SOS-Leadership; Lamb, William, SOS; Aaron Davis, Robis; David Davoust; Ernie Marquez, AES; Adrian Leyva; Enrique Baca; Francisco Padilla
Subject: [EXTERNAL SENDER] UPDATE: System Reports

Good evening all,

I wanted to provide you with an update on the intermittent system issues some of you may be experiencing.

The SOS's IT staff have been engaged throughout the day on the performance issues in our production hosting environment. We have involved DoIT, but thus far have not been able to isolate a root cause. They made some changes a little after 5 PM and will be monitoring throughout the evening to see if they have any effect on the symptoms. We are preparing to enlist the support of a vendor in the morning if these changes do not prove to be fruitful.

We are working on contingency plans should this persist. Wish we had better news, but wanted to share the current status because we know you are all deeply affected and concerned.

Best,
Mandy

> On Oct 18, 2022, at 12:22 PM, Romero, Charles, SOS <Charles.Romero@sos.nm.gov> wrote:
>
> Good Afternoon County Clerks,
>
> There will be an outage until 1pm with SERVIS and other related services as our office performs a reboot to our CPU. The SERVIS web server is unresponsive at the moment and therefore the reboot is necessary to resolve this unresponsiveness. The IT Team is working aggressively to resolve the issues that we have faced in the past 2 days. We will provide updates as soon as they are made available. Thank you all for your hard work and patience.
>
> Regards,
>
> **<image002.jpg>**
> **Charles Romero | Elections Program Coordinator**
> New Mexico Office of the Secretary of State
> 325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
> Cell: (505) 819-7628 | Desk: (505) 827-3634
> Charles.Romero@sos.nm.gov
>
> ---
>
> **From:** Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
> **Sent:** Monday, October 17, 2022 1:37 PM
> **To:** SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-

CountyClerksGroup@state.nm.us>; Trujillo, Shelly K. <strujillo@sierraco.org>; Whitehead, Amy <awhitehead@sierraco.org>; Michelle S. Kavanaugh <mkavanaugh@bernco.gov>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Lamb, William, SOS <William.Lamb1@sos.nm.gov>
Subject: System Reports
Importance: High

Hi all,

We have been made aware of intermittent system errors that have been reported when processing a voter registration record, specifically an SDR. Our office is actively investigating this report and resolution.

Please remind your teams that they should offer the individual a provisional ballot if they receive an error or are unable to utilize the automated SDR process at any time. Please ensure that the reason selected for the provisional ballot being issued is **Same Day Registration** so that you may use this to review/process the registration ahead of the provisional qualification.

Let us know if you have any questions at nmclerks@sos.nm.gov.

Thanks,
Mandy

<image003.jpg>

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Jeff, SOS <Jeff.Vigil1@state.nm.us>
Sent: Wednesday, August 31, 2022 9:15 AM
To: Trujillo, Shelly K.; Shelby, Tanya; Montoya, Valerie; Diaz, Jaime; Armijo, Sharon; Cindy Fuller; Trujillo, Rayetta; Hogland, Annie; Barfield Hromas, Jeffrey; Rosprim, Darlene; Castrillo, Marisa; Serrano, Robert; Manes, Keith; lacnm, clerks; Marlene Custer; Arrellano, Carlos; Holmes, Robyn; White, Ellen; Padilla, Linda; Park, Mandi; Juan E. Torres; Milam, Michael; Saavedra, Betty
Cc: Lopez, Tracy, SOS
Subject: [EXTERNAL SENDER] Video Export overview

Good Morning,

I am reaching out to schedule the Meraki Video Overview. You should have received a document from Tracy Lopez which shows the process. Please let me know when you would like to schedule this. If you send me a date and time I will schedule it. This takes about 45 minutes and I will also be going over some trouble shooting steps for the sensors and cameras. Thank You.

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Jeff Vigil Elections Security and Compliance Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300
Santa Fe, NM 87501
Cell: (505) 309-1050 | Desk: (505) 309-1050
Jeff.Vigil1@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Jeff, SOS <Jeff.Vigil1@state.nm.us>
Sent: Tuesday, September 20, 2022 10:59 AM
To: Martinez, Anna; Trujillo, Shelly K.; Clark, Katharine; Shelby, Tanya; Padilla, Linda; Holmes, Robyn; Sloan, Jacqueline; lacnm, clerks; Manes, Keith; Dela Garza, Melissa K.; Serrano, Robert; Castrillo, Marisa; Rosprim, Darlene; Barfield Hromas, Jeffrey; Hogland, Annie; Gurule Trujillo, Vivian; Trujillo, Rayetta; Dominguez, Michelle; Stephanie.eldridge@chavescounty.gov; Armijo, Sharon; searles, m
Cc: Lopez, Tracy, SOS
Subject: [EXTERNAL SENDER] Video export process

Hello,

I am reaching out once more to see if you would like to review the video export process. I apologize if I have sent this to you before and you responded. Please let me know one way or another if you are interested. We would like to complete this by the early voting period. Thank You

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Jeff Vigil Elections Security and Compliance Analyst
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300
Santa Fe, NM 87501
Cell: (505) 309-1050 | Desk: (505) 309-1050
Jeff.Vigil1@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Wednesday, August 31, 2022 4:08 PM
To: SOS-County Clerks Group; SOS-33 County Clerks; Whitehead, Amy; Trujillo, Shelly K.; Michelle S. Kavanaugh
Cc: SOS-Leadership; SOS-Bureau of Elections; francisco.padilla@dominionvoting.com; Daniel Ivey-Soto
Subject: [EXTERNAL SENDER] Voting Record Retention Guidance
Attachments: Voting Record Retention Guidance 082022.pdf

Dear Clerks,

In an effort to obtain uniformity in the application, operation, and interpretation of the election code and to advise county clerks as to the proper methods of performing their duties prescribed in the Election Code, our office is providing the following guidance on your statutory duty to maintain certain records relating to voting after the completion of an election pursuant to NMSA 1978, Section 1-12-69(A).

Please note further that this is our guidance relevant to retention and not a county's obligation to produce records if they are maintained by a County and a public records request for these records is received. If a county does keep the ballot images or have generated documents from the Dominion "election project file" that are not required to be generated or maintained after the 45 days following and election, recount, or judicial proceeding, the county would be subject to providing them in response to an IPRA request. Such information or data may need to be redacted before releasing pursuant to state law to protect the secrecy of the ballot. Additionally, each county should have its own retention policies that must be considered on a case-by-case basis before destruction.

Please work directly with Cisco on scheduling an appointment to update your RTR servers. Based on the SOS's retention guidance you may have all prior statewide election projects cleared.

You're welcome to reach out with any questions.

Thank you,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Voting Record Retention Guidance
1-12-69(A), NMSA 1978

In an effort to obtain uniformity in the application, operation, and interpretation of the election code and to advise county clerks as to the proper methods of performing their duties prescribed in the Election Code, our office is providing the following guidance on their statutory duty to maintain certain records relating to voting after the completion of an election pursuant to NMSA 1978, Section 1-12-69(A).

Section 1-12-69(A) states:

> Paper ballots marked by voters and *all records related to voting* in any election in which a federal candidate appears on the ballot shall be retained and preserved for a period of twenty-two months from the date of the election.

Section 1-12-69(G), states:

> Paper ballots marked by voters, their digitized equivalents and records related to voting are **exempt** from the Inspection of Public Records Act [Chapter14, Article 2 NMSA 1978] until **forty-five days following any recount, contest or other judicial inquiry or until forty-five days after adjournment of the state or county canvassing board, whichever is later.** Any inspection of paper ballots marked by voters, their digitized equivalents or records related to voting shall be conducted in such a manner as to secure the secrecy of the ballot.

The question this guidance addresses is what a "record relating to voting" under Section 1-12-69 for which a county is required to maintain for 22 months from the date of the election, and which is subject to IPRA after 45 days following and election, recount, or judicial proceeding that?

Section 1-12-69 was amended in 2008 to comply with the National Voter Registration Act's ("NVRA") requirement to maintain "all records and papers which come into his possession relating to any application, registration, payment of poll tax, or **other act requisite to voting in such election**" for 22 months in an election in which a federal candidate is on the ballot. 52 U.S.C.A. § 20701. To better administer the county clerk's obligations under this section, the SOS advises that the definition of "records relating to voting" in Section 1-12-69 must align with the NVRA's requirements to maintain all records relating to any… ***act requisite to voting in such election*.** Therefore, this is the definition that should be used in evaluating what a "record relating to voting" is.

A county clerk is only required to retain ballot images or records relating to voting until 45 days after an election, recount, or judicial proceeding. After this there is no obligation in law to retain ballot images or other records not related to an act requisite to voting in that election**,** as ballot images do not meet the definition of a "record relating to voting" in Section 1-12-69.

Merriam-Webster defines *requisite* as "needed for a particular purpose: essential, necessary." *See* https://www.merriam-webster.com/dictionary/requisite. Therefore, a record relating to an act requisite to voting would be records essential to voting a ballot only. This includes a marked paper ballot, mailed ballot application, voting permits, affidavit of mailed ballot, affidavit of SDR, signature rosters and hand tally sheets. With some exceptions, this is it for a county's obligations to maintain records requisite to voting pursuant to Section 1-12-69. Specifically, ballot images or other data or information generated like the Dominion's "election project file" are not required to be maintained after an election, recount or judicial proceeding is concluded.

Pursuant to NMSA 1978, Section 1-14-22, the clear intent for the use of ballot images is for governmental purposes only, and importantly for retention purposes, is only a copy or digital equivalent of the paper ballot. Therefore, after the time runs on the potential use for a governmental purpose of a ballot image, they need not be retained pursuant to Section 1-12-69.

Please note that there are retention related provisions related to voter registration, candidate qualification, and official canvassing records that also must be maintained outside of Section 1-12-69. This guidance only relates to Section 1-12-69.

Please note further that this is our guidance relevant to retention and not a county's obligation to produce records if they are maintained by a County and a public records request for these records is received. If a county does keep the ballot images or have generated documents from the Dominion "election project file" that are not required to be generated or maintained after the 45 days following and election, recount, or judicial proceeding, the county would be subject to providing them in response to an IPRA request. Such information or data may need to be redacted before releasing pursuant to state law to protect the secrecy of the ballot. Additionally, each county should have its own retention policies that must be considered on a case-by-case basis before destruction.

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@sos.nm.gov>
Sent: Friday, November 4, 2022 4:38 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.; Juan E. Torres
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com; David Davoust; Aaron Davis, Robis; Ernie Marquez; Enrique Baca
Subject: [EXTERNAL SENDER] Weekend Voting Support Information - 11/4/22

Good afternoon,

As Early Voting comes to a close, we wanted to provide a reminder about weekend support from the SOS. We will be following the same format as we have for the past two Saturdays; Mandy, Charles and I will be the lead point of contact during a "shift" during the day, along with IT support staff for technical issues, should any arise. Additionally, Mandy and I will be "on call" outside of our scheduled shift in the event we have a busier day. We will continue to use the HSIN room tomorrow to address any immediate issues and provide updates/information as necessary. Please continue to submit emails to nm.clerks@sos.nm.gov for any issues.

SOS Weekend Voting Support Information:

- Primary points of contact for weekend support are:
  - Charles Cell phone: 505-819-7628 **(7:30 am to 11:30 am)**
  - Mandy Cell phone: 505-660-4045 **(11:30 am to 3:00 pm)**
  - Charlotte Cell phone: 505-819-7623 **(3:00 pm to 7:00 pm)**

Please note:

- You are always welcome to reach out to Mandy anytime outside of the designated shift window.
- Here is the link for the HSIN Room for your reference: https://share.dhs.gov/nm-absentee-early-voting-situation-room/.

Thank you all for all that you do and have a peaceful evening. Happy "last day of Early Voting!"

--
PLEASE NOTE: My email address has changed from charlotte.chinana@state.nm.us to charlotte.chinana@sos.nm.gov. Please update your records accordingly. Thank you

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#
Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@sos.nm.gov

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Friday, October 28, 2022 4:30 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com; David Davoust; Aaron Davis, Robis; Ernie Marquez; Enrique Baca
Subject: [EXTERNAL SENDER] Weekend Voting Support Information - 10/29/22

Good Evening County Clerk Teams:

Please call Mandy, Charlotte, or myself if you need any assistance tomorrow. We will be in a "shift" support mode, so if you need assistance, please note the time you are calling and reach out to the respective person. As usual, please continue to submit emails to nm.clerks@sos.nm.gov for any issues. We will have IT support staff for technical issues, should any arise. Thank you for all you do.

SOS Weekend Voting Support Information:

- Primary points of contact for weekend support are:
  - Charles Cell phone: 505-819-7628 **(7:30 am to 11:30 am)**
  - Mandy Cell phone: 505-660-4045 **(11:30 am to 3:00 pm)**
  - Charlotte Cell phone: 505-819-7623 **(3:00 pm to 7:00 pm)**

Please note:

- You are always welcome to reach out to Mandy anytime outside of the designated shift window.
- Continue to use the HSIN Room through the weekend as we will be logged on to address any immediate issues. Here is the link for the HSIN Room for your reference. , https://share.dhs.gov/nm-absentee-early-voting-situation-room/. The room will also include BOD vendors and SOS BOE staff.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

curryelections@currycounty.org

From: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Sent: Friday, October 21, 2022 4:30 PM
To: SOS-33 County Clerks; SOS-County Clerks Group; Michelle S. Kavanaugh; Whitehead, Amy; Trujillo, Shelly K.
Cc: SOS-Leadership; SOS-Bureau of Elections; Lamb, William, SOS; francisco.padilla@dominionvoting.com; David Davoust; Aaron Davis, Robis; Ernie Marquez; Enrique Baca
Subject: [EXTERNAL SENDER] Weekend Voting Support Information

County Clerk Teams:

Please call Charles, Charlotte, or I if you need any assistance tomorrow. We will be in a "shift" support mode, so if you need assistance, please note the time you are calling and reach out to the respective person. As usual, please continue to submit emails to nm.clerks@sos.nm.gov for any issues. We will have IT support staff for technical issues, should any arise. Thank you for all you do.

SOS Weekend Voting Support Information:

- Primary points of contact for weekend support are:
  - Charles Cell phone: 505-819-7628 **(7:30 am to 11:30 am)**
  - Mandy Cell phone: 505-660-4045 **(11:30 am to 3:30 pm)**
  - Charlotte Cell phone: 505-819-7623 **(3:30 am to 7:30 pm)**

Please note:

- You are always welcome to reach out to me anytime outside of the designated shift window.
- All counties that have approved watchers have received individual notifications our office.
  - If you have not received a list, we have not received a request for watcher in your county.
    - Watchers = SOS approval 7 days prior to serving as a watcher (Review sections 1-2-25 & 1-2-27 & 1-2-30)
    - Challenger = Party chair appointment (Review sections 1-2-21 through 1-2-26)

Wishing you all a great day of voting tomorrow. Happy Friday!

Best,
Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505.827.3617 | Cell: 505.660.4045
mandy.vigil@state.nm.us
Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Romero, Charles, SOS <Charles.Romero@sos.nm.gov>
Sent: Wednesday, October 26, 2022 1:26 PM
To: Hogland, Annie; Ancira, Adrian
Cc: Chinana, Charlotte, SOS
Subject: [EXTERNAL SENDER] Write-In Tally sheet _ Curry
Attachments: 2022 General_Write-In Guidance.pdf; Write-inTallySheet_CURRY.docx

Hello Ms. Annie,

Please see the attached write-in tally sheets for your county to use for the 2022 General Election. I attached the write-in guidance again should you need it.

Regards,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charles Romero | Elections Program Coordinator
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7628 | Desk: (505) 827-3634
Charles.Romero@sos.nm.gov

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 General Election
WRITE-IN CANDIDATE COUNTING GUIDANCE

In an effort to uniformly administer the 2022 General Election we provide the following guidance on determining voter intent for write-in votes.

Declared Write-In Candidates:

Races	Counties Covered	Candidate Filed at	Name of Write -in Candidate	Political Affiliation
UNITED STATES REPRESENTATIVE, DISTRICT 1	Bernalillo, Chaves, De Baca, Guadalupe, Lincoln, Otero, Sandoval, Santa Fe, Torrance, and Valencia	SOS	VICTORIA L GONZALES	DECLINED TO STATE
UNITED STATES REPRESENTATIVE, DISTRICT 2	Bernalillo, Catron, Chaves, Cibola, Doña Ana, Eddy, Grant, Hidalgo, Lea, Luna, McKinley, Otero, Sierra, Socorro, and Valencia	SOS	ELISEO LUNA	DEMOCRAT
COMMISSIONER OF PUBLIC LANDS	Statewide	SOS	LARRY E MARKER	DECLINED TO STATE
STATE REPRESENTATIVE, DISTRICT 8	Valencia	Valencia	PAUL MATTHEW KINZELMAN	DEMOCRAT
STATE REPRESENTATIVE, DISTRICT 34	Doña Ana	Doña Ana	MARK W VIETH	REPUBLICAN
COUNTY SHERIFF	Grant	Grant	MANUEL JOSEPH MALDONADO	DEMOCRAT
COUNTY COMMISSIONER	Luna	Luna	SUSAN R SCHIFFNER	REPUBLICAN
COUNTY COMMISSIONER	Mora	Mora	APRIL S BENTON	REPUBLICAN
COUNTY SHERIFF	Mora	Mora	TIMOTHY RAY MARQUEZ	DEMOCRAT
COUNTY COMMISSIONER	Rio Arriba	Rio Arriba	DALE T SALAZAR	DEMOCRAT

SOURCE: *https://candidateportal.servis.sos.state.nm.us/CandidateList.aspx?eid=2838&cty=99*

Statutory Resources:

Section 1-1-5.2 (C), NMSA 1978 Definition of a vote; write-in counting information.
Section 1-13-24 (A), NMSA 1978 Post-election duties; unopposed write-in candidates

Determining a Valid Vote:

For a paper ballot that is machine-tabulated or hand-tallied and that contains a write-in vote, the write-in vote shall be counted if the following are true:

1. The name of a declared write-in candidate for that office and position is on the proper line provided for a write-in vote, regardless of whether or not the oval is bubbled in/marked.

2. The candidates' name is written as:
    - First name, middle name, or initial and last name (ex: **Sarah J Smith or Sarah Jane Smith**).
    - One or two initials and last name (ex: **SJ Smith or S Smith**).
    - Last name alone (ex: **Smith**) if there is no other declared write-in candidate for the office or position that is the same or similar as to confuse the candidates' identities.
    - First and last name (ex: **Sarah Smith**).

3. When the presiding judge and election judges reviewing the write-in vote unanimously agree that the voter's intent is clearly discernable, an abbreviation, misspelling, or other minor variation in the form of the name of a declared write-in candidate shall be accepted as a valid vote (ex: **Sara Smyth)**; and

4. Does not include the imprinting of any name by stamp or similar method or device or the use of a stencil or a preprinted sticker or label. The name of the candidate must be handwritten.

Certification of Write-In Candidates:

In a general election, the proper canvassing board shall not certify the election of an unopposed write-in candidate unless the candidate receives at least the number of write-in votes equal to two percent of the total votes in the state, district, or county in which the candidate seeks election that were cast for governor in the last preceding general election in which a governor was elected, pursuant to 1-13-24 (A), NMSA 1978.

*** For the 2022 General Election, it is important to note that ALL write-in candidates on the ballot **do** have opposition, therefore this two percent threshold is not applicable. ***

Tips for County Clerks:

- Remind poll officials to remove all ballots from the tabulators and ensure that those containing write-in candidates are separated from those that do not.
    - Poll officials will need to check the write-in diverter bin on each tabulator, review all ballots and separate any that appear to contain a selection for a write-in candidate (i.e., oval is not bubbled in, but the voter wrote on the line provided).
    - All ballots should be delivered to your office on Election Night.
- Remind poll officials that it is not the responsibility of poll workers to communicate declared write-ins to voters at the polling location. In addition, poll officials shall NOT tally write-in votes at the polling location, this will be completed by the election board when the ballots are delivered to the clerks office on Election Night.
- Remember to enter write-in votes into SERVIS. Do not enter them into RTR as they will not transfer to SERVIS. County staff will be responsible for entering the qualified write-in votes directly into SERVIS.
- Please enter only the votes cast into the applicable counting group. If the ballots were cast through the tabulator, do not edit the ballots cast, as the ballot total has already been included with the tabulator results (MACHINE).
- Provide copies of the write-in tally sheets to SOS at nmclerks@sos.nm.gov to avoid delay in completing the state canvass.

Tips for the Election Board

- Use the specially designated write-in tally sheets.
- Sort the ballots by precinct and create ONE tally sheet for each precinct, per applicable counting group (Absentee, Early Voting, Election Day). The ballot precinct number is listed in the upper right corner of each ballot.
- Count the TOTAL number of ballots in each precinct and enter that total on the corresponding tally sheet for that precinct.
- Tally each vote that should be counted based upon the guidance above.
- Add up the tally of votes for the write-in candidate (after qualification) and record totals on the tally sheet.

INSTRUCTIONS TO ELECTION BOARD:

Working with one tabulator at a time, use the tabulator key to unlock the ballot bin on the tabulator and retrieve all ballots from within; do not comingle ballots from different tabulators. Ensure that the ballots retrieved from each tabulator are kept separate from the ballots retrieved from any other tabulator(s).

1. Check the diverter bin; set these ballots aside (these will need to be accounted for on the appropriate write-in tally sheet).

2. Retrieve the remaining ballots from the tabulator and remove any that appear to contain a write-in selection (i.e. the voter wrote on the line provided for write-ins, regardless of whether or not the oval is bubbled in/marked).
    - Set aside any ballots that appear to contain a write-in selection (these will need to be accounted for on the appropriate write-in tally sheet).
    - Place the remaining ballots into the appropriate ballot box for transport to the county clerk's office (i.e. ballots that do not appear to contain a write-in selection).

3. Sort the ballots that were set aside by PARTY and PRECINCT. **PLEASE NOTE: A separate write-in tally sheet must be used for each precinct/counting group.**
   Complete the BALLOT ACCOUNTING section for each PARTY. Fill in the Ballot accounting table with the total ballots retrieved from tabulator(s) that appear to contain write-in votes.

BALLOT ACCOUNTING

	A		B		C		TOTAL
Write-In Votes on **Ballots Retrieved from Tabulator(s):**	_____	+	_____	+	_____	=	

4. Complete the VOTE ACCOUNTING section by entering the QUALIFIED AND NOT QUALIFIED votes for each write-in candidate. These votes must total the total number of ballots for the Party/Precinct (in the "ballot accounting" section for each party).

BALLOT ACCOUNTING

	A		B		C		TOTAL
Write-In Votes on **Ballots Retrieved from Tabulator(s):**	4	+	1	+	0	=	5

United States Representative District 3 | DTS

JOHNNY JOHNSON

VOTE ACCOUNTING

The total of qualified and not qualified votes **MUST** equal the total number of Write-in Ballots for this precinct.

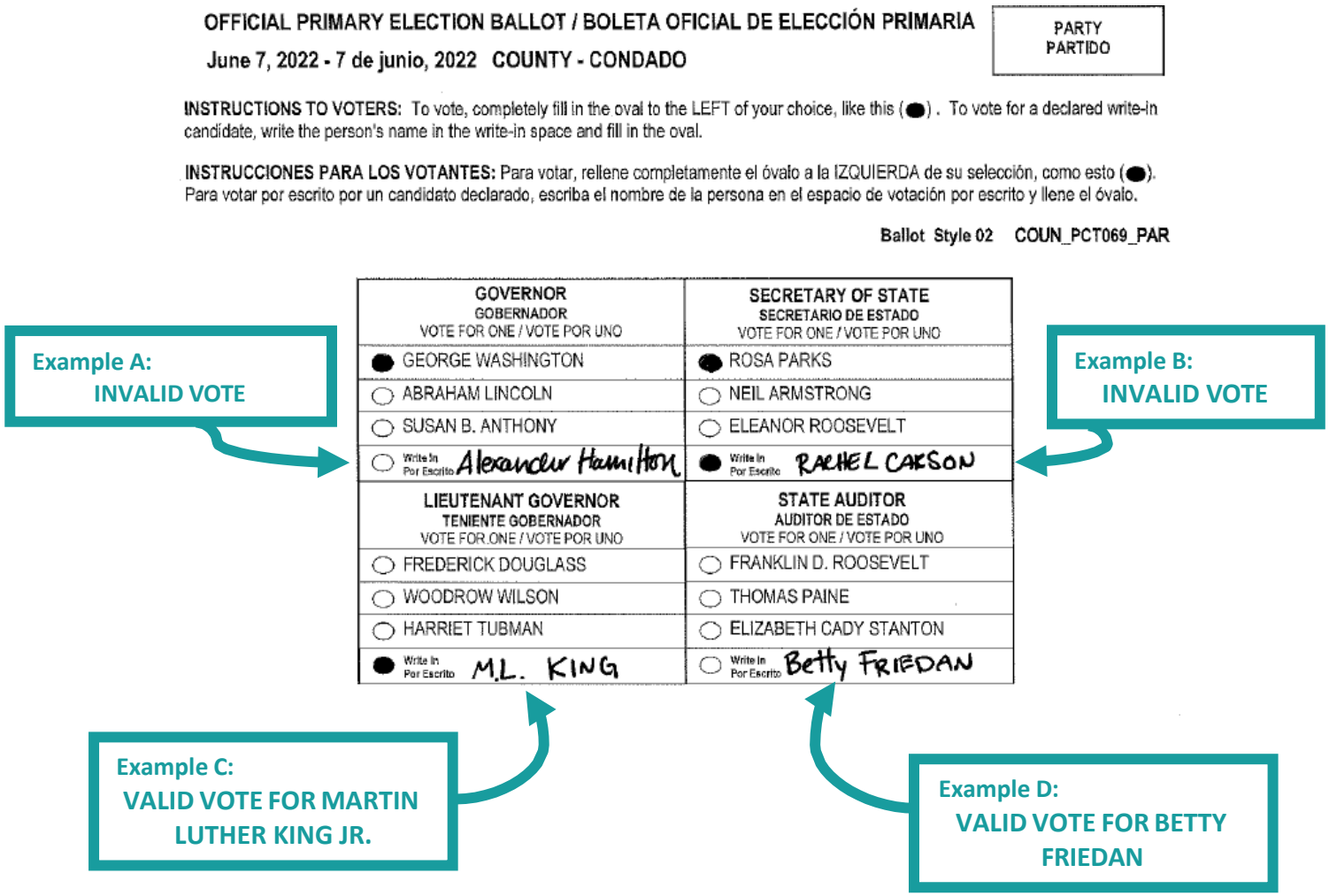
Total number of **QUALIFIED** Write-In VOTES for this candidate in this precinct: 3

Total number of **NOT QUALIFIED** Write-In VOTES for this candidate in this precinct: 2

Total number of both QUALIFIED and NOT QUALIFIED voted for this candidate at this precinct: 5

What is a valid Write-in Vote?

1. A properly cast write-in vote shall, in the space provided, contain the written name of a candidate whose name does not otherwise appear on the ballot for that office. It will not be counted with other bubbles filled in. (Example "A" below).
2. A ballot on which the voter casts a vote on the ballot and properly writes in a different candidate in the write-in area shall be considered an overvote for that office if the number of chosen candidates exceeds the number permitted to be voted for in that office and no vote shall be counted. (Example "B" below).
3. An abbreviation, misspelling, or other minor variation in the form of the name of a declared write-in candidate shall be accepted as a valid vote if the voter's intent is clearly discernable. (Example "C" below).
4. A vote shall be valid on a ballot on which a write-in vote does not contain a mark in the target area, but the written name of a candidate whose name does not otherwise appear on the ballot is provided. (Example "D" below)



OFFICIAL PRIMARY ELECTION BALLOT / BOLETA OFICIAL DE ELECCIÓN PRIMARIA

June 7, 2022 - 7 de junio, 2022 COUNTY - CONDADO

PARTY / PARTIDO

INSTRUCTIONS TO VOTERS: To vote, completely fill in the oval to the LEFT of your choice, like this (●). To vote for a declared write-in candidate, write the person's name in the write-in space and fill in the oval.

INSTRUCCIONES PARA LOS VOTANTES: Para votar, rellene completamente el óvalo a la IZQUIERDA de su selección, como esto (●). Para votar por escrito por un candidato declarado, escriba el nombre de la persona en el espacio de votación por escrito y llene el óvalo.

Ballot Style 02 COUN_PCT069_PAR

GOVERNOR GOBERNADOR VOTE FOR ONE / VOTE POR UNO	SECRETARY OF STATE SECRETARIO DE ESTADO VOTE FOR ONE / VOTE POR UNO
● GEORGE WASHINGTON	● ROSA PARKS
○ ABRAHAM LINCOLN	○ NEIL ARMSTRONG
○ SUSAN B. ANTHONY	○ ELEANOR ROOSEVELT
○ Write In / Por Escrito Alexander Hamilton	● Write In / Por Escrito RACHEL CARSON
LIEUTENANT GOVERNOR TENIENTE GOBERNADOR VOTE FOR ONE / VOTE POR UNO	**STATE AUDITOR AUDITOR DE ESTADO VOTE FOR ONE / VOTE POR UNO**
○ FREDERICK DOUGLASS	○ FRANKLIN D. ROOSEVELT
○ WOODROW WILSON	○ THOMAS PAINE
○ HARRIET TUBMAN	○ ELIZABETH CADY STANTON
● Write In / Por Escrito M.L. KING	○ Write In / Por Escrito Betty FRIEDAN

Example A:
INVALID VOTE

Example B:
INVALID VOTE

Example C:
VALID VOTE FOR MARTIN LUTHER KING JR.

Example D:
VALID VOTE FOR BETTY FRIEDAN

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, August 30, 2022 3:07 PM
To: Justin.OShea@state.nm.us
Subject: 2022 Primary Election MOU
Attachments: 2022GeneralElectionMOU_Signed.pdf

Hey Justin!

Hoping you may be able to help me out.. I have a copy of the 2022 Primary MOU, but it doesn't have the signature from docusign. I have attached the 2022 General Election MOU that does, as an example.

Is there any way you can refresh the link for the 2022 Primary Docusign email? Or, send me a pdF?

PLEASE! and of course, thank you!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

DocuSign Envelope ID: 0254C64A-E315-410B-8627-61DC72F09E2A

NEW MEXICO

MEMORANDUM OF UNDERSTANDING

OFFICE OF THE SECRETARY OF STATE

AND

CURRY COUNTY

This **MEMORANDUM OF UNDERSTANDING** ("Agreement" or "MOU") is entered into by and between the Office of the Secretary of State ("Agency") and Curry County ("County"), (collectively, "the Parties") as of the last date of execution by the Parties below.

RECITALS

WHEREAS, the 2022 General Election ("Election") is to be held statewide on Tuesday, November 8; and

WHEREAS, the Agency, as required under the New Mexico Election Code, is responsible to pay all costs of the Election, including reasonable costs incurred by each County Clerk; and

WHEREAS, the Agency has been appropriated funds from the New Mexico State Legislature to pay for the cost of conducting and administering the Election; and

WHEREAS, it is in the interest of both parties to provide the appropriated funds to the counties to pay the costs incurred as a result of the Election.

AGREEMENT

THEREFORE, the Parties agree that this MOU is entered into expressly and solely for the purpose of providing state appropriated funds to the counties to cover the costs of conducting and administering the Election.

1. RESPONSIBILITIES

The Agency shall:

A. Issue to the County a warrant drawn on the State Treasurer in the amount of **$20,000** for estimated costs that the county may incur in the administration of the Election.

The County shall:

A. Use the appropriated funds in accordance with expenditures required by the New Mexico Election Code and in compliance with the reimbursable expenses outlined in Appendix A of this Agreement.
B. Provide to the Agency, no later than **December 29,2022**, a full accounting of expenses incurred during the Election and provide to the Agency all invoices, receipts, and copies of warrants paid by the county during the cycle.
C. Return any unused funds to the Agency upon completion of election-related activity, which shall occur prior to December 29, 2022.

2. PAYMENT

DocuSign Envelope ID: 0254C64A-E315-410B-8627-61DC72F09E2A

The Agency shall issue a warrant from the above-cited appropriation once this Agreement has been fully executed (signed by all required parties as listed on the signature page attached hereto).

3. PROPERTY

The parties understand and agree that property, if any, acquired as a result of this Agreement shall be the property of the County.

4. TERM

This Agreement shall become effective upon the final signature affixed to this Agreement, or as soon thereafter as approved by the respective parties, and shall remain in effect until **December 29, 2022**, unless terminated pursuant to Article 7.

A. All work is expected to be complete on or before November 8th, 2022; in no case shall work extend beyond December 29,2022.
B. If any funds remain after the completion of the work contemplated under this Agreement, such funds must be returned to the Agency prior to December 29, 2022.

5. FUNDS ACCOUNTABILITY

The County shall maintain fiscal records, follow Generally Accepted Accounting Principles (GAAP), and account for all receipts and disbursements of funds transferred to the County pursuant to this Agreement.

6. LIABILITY

Each party shall be solely responsible for fiscal or other sanctions occasioned as a result of its own violation, or alleged violation, of requirements applicable to the performance of the Agreement. Each party shall be liable for its actions in accordance with this Agreement.

7. TERMINATION

Either party may terminate this Agreement for cause or convenience by giving notice in writing to the other party within thirty (30) days of termination.

8. AMENDMENT

Any amendments shall be made in writing and shall be agreed to and executed by the respective signatories before becoming effective.

9. CONTACTS

The parties will send written notice when needed to the following individuals:

To the Agency:

Mandy Vigil
Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar Ave, Suite 300
Curry, NM 87501

DocuSign Envelope ID: 0254C64A-E315-410B-8627-61DC72F09E2A

mandy.vigil@state.nm.us
505.827.3617

To the County:

Annie Hogland
Curry County Clerk
Curry County
417 Gidding St., Suite 130
Clovis, NM 88101
ahogland@currycounty.org
(575) 763-5591

The remainder of this page intentionally left blank.

DocuSign Envelope ID: 0254C64A-E315-410B-8627-61DC72F09E2A

In witness whereof, this Agreement is duly executed upon the date of the last signature affixed and dated:

DocuSigned by:
Maggie Toulouse Oliver
4229451BB5AB465...

Maggie Toulouse Oliver, Secretary of State
Office of the Secretary of State

08/08/2022
Date

DocuSigned by:
Dylan Lange
91CAAD7F73EB4FB...

Dylan Lange, General Counsel
Office of the Secretary of State

08/08/2022
Date

DocuSigned by:
Annie Hogland
87CB9AA22A194FD...

Annie Hogland, County Clerk
County of Curry

08/08/2022
Date

DocuSigned by:
Chet Spear
D5B5D46E5F18465...

Chet Spear, Chairman
County of Curry

08/08/2022
Date

DocuSign Envelope ID: 0254C64A-E315-410B-8627-61DC72F09E2A

APPENDIX A

DESCRIPTION	STATUTORY REQUIREMENT	RELEVANT STATUTE(S)	REASONABLY INCLUDES:
Poll Workers (Election Boards; Absentee, Early and Election Day)	Each election board shall consist of a minimum of three judges (required); one presiding judge and two election judges. Election clerks can also be appointed to assist the presiding judge and election judges.	1-2-12 & 1-9-5(C), NMSA 1978	For all polling locations, no fewer than three judges are required to administer the election. In the case of Voter Convenience Centers (VCCs), a minimum of two ballot-on-demand stations are required per site; counties will need to plan accordingly to ensure adequate staffing to operate these systems.
Registration Officers (Same Day Registration)	During a statewide the county clerk's office or alternate voting location if the clerk has assigned an authorized deputy to serve as a registration officer at the alternate voting location.	1-4-5.7(C)(D), NMSA 1978	The cost of one authorized registration officer, per polling location (that is offering SDR), per day.
Interpreters	In those polling places designated by the secretary of state as being subject to the provisions of the 1975 amendments to the federal Voting Rights Act of 1965, oral assistance shall be made available to assist language minority voters who cannot read sufficiently well to exercise the elective franchise. As used in the Election Code, "language minority" means a person who is an American Indian or of Spanish heritage and "inability to read well enough to exercise the elective franchise" means inability to read the languages in which the ballot is printed or the inability to understand instructions for operating the voting machine.	1-2-19, NMSA 1978	Assisting voters who speak a language that is unwritten; precincts identified as "Native American Precincts" through the Native American Election Information Program.
Messengers	The county clerk may appoint messengers to deliver ballot boxes, poll books, keys, election supplies and other materials pertaining to the election. Messengers may also be authorized to collect absentee ballots and removable media storage devices from polling places designated by the county clerk. and deliver them to locations.	1-2-20, NMSA 1978	Individuals appointed by the clerk to serve as messengers, who comply with the requirements outlined in 1-2-20.
Election Publications	Election board standby list: Not less than twenty-one days prior to the date for appointing members of election boards, the county clerk shall publish a notice once in a newspaper of general circulation to the effect that election boards are to be appointed for the specified number of precincts, stating the number of persons composing each board and that applications for the standby list will be accepted at the county clerk's office. Notice of election: The notice of election shall be published at least once, not more than twenty-one nor less than seven days before election day. The notice of election shall be published in a legal newspaper as provided in Section 14 11 2, NMSA 1978. If no legal newspaper is published in the county, the notice of election shall be published in a	1-2-9 & 1-11-3(A), NMSA 1978	Publication of the election board standby list and notice of election.

DocuSign Envelope ID: 0254C64A-E315-410B-8627-61DC72F09E2A

	legal newspaper of general circulation in the county. The notice of election shall be printed in English and Spanish. The notice of election shall be broadcast on a radio station in the appropriate Native American languages in those counties affected by the federal Voting Rights Act of 1965, as amended.		
Postage	The Secretary of State shall deposit sufficient funds in the business reply mail account for each county clerk to ensure delivery of all mailed ballot applications and returned mailed ballots.	1-6-8(A)(2); 1-6B-5(E)(2); & 1-6C-6(D), NMSA 1978	Postage for absentee ballots (outbound) and returned mail ballots (inbound).
Tabulator Delivery	The county clerk shall be responsible for transporting all voting systems to and from polling places. A reasonable fee may be charged by the county for the transportation and programming of the voting systems when used pursuant to Section 1 9 6, NMSA 1978, but in no case shall such fee exceed the actual cost to the county. Voting machines shall be delivered to the assigned precinct polling place at least three days before the polls are required to be opened. The election supplies and the keys of voting machines shall be delivered to the presiding judge at least one hour before the polls are required to be opened.	1-9-12(A)(E) & 1-11-11(A), NMSA 1978	Transport of voting systems to and from polling locations.
Office Supplies (for the Election)	Supplies needed for the administration of the election.	1-11-19(A)(2), NMSA 1978	Consumable office supplies required to conduct the election and post-election canvass including paper, ballot marking pens, pencils, paperclips, staples etc.
"Other"	N/A	N/A	Temporary election support staff ***or*** OT for county employees, provided the OT is incurred during the conduct and administration of the election.

Table 1: Schedule of Cost Eligibility

DocuSign

Certificate Of Completion

Envelope Id: 0254C64AE315410B862761DC72F09E2A
Status: Completed
Subject: Please DocuSign: 2022_GE_MOU_Curry.pdf
Source Envelope:
Document Pages: 6 Signatures: 4
Certificate Pages: 5 Initials: 0
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

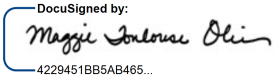
Envelope Originator:
Justin OShea
715 Alta Vista St
Santa Fe, NM 87501
Justin.OShea@state.nm.us
IP Address: 75.161.8.23

Record Tracking

Status: Original
8/8/2022 10:00:27 AM
Holder: Justin OShea
Justin.OShea@state.nm.us
Location: DocuSign

Security Appliance Status: Connected
Pool: StateLocal

Storage Appliance Status: Connected
Pool: Secretary of State
Location: DocuSign

Signer Events	Signature	Timestamp
Annie Hogland ahogland@currycounty.org Security Level: Email, Account Authentication (None)	DocuSigned by: 87CB9AA22A194FD... Signature Adoption: Pre-selected Style Using IP Address: 68.66.82.205	Sent: 8/8/2022 10:03:28 AM Viewed: 8/8/2022 10:46:29 AM Signed: 8/8/2022 10:46:41 AM
Electronic Record and Signature Disclosure: Accepted: 8/8/2022 10:46:29 AM ID: d200423d-d4bb-408e-90e8-36c4ff9b5bc8		
Chet Spear cspear@currycounty.org Chairman, Curry County Security Level: Email, Account Authentication (None)	DocuSigned by: D5B5D46E5F18465... Signature Adoption: Pre-selected Style Using IP Address: 67.209.205.92	Sent: 8/8/2022 10:03:28 AM Viewed: 8/8/2022 10:06:31 AM Signed: 8/8/2022 10:47:34 AM
Electronic Record and Signature Disclosure: Accepted: 4/25/2022 11:34:05 AM ID: 132b7944-178d-4257-a631-2ea949a28a3d		
Dylan Lange Dylan.Lange@state.nm.us SOS Security Level: Email, Account Authentication (None)	DocuSigned by: 91CAAD7F73EB4FB... Signature Adoption: Pre-selected Style Using IP Address: 164.64.217.14	Sent: 8/8/2022 10:47:35 AM Viewed: 8/8/2022 1:43:39 PM Signed: 8/8/2022 1:43:45 PM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Maggie Toulouse-Oliver theresa.romero@state.nm.us Secretary of State Security Level: Email, Account Authentication (None)	DocuSigned by:  4229451BB5AB465... Signature Adoption: Uploaded Signature Image Using IP Address: 174.205.107.129	Sent: 8/8/2022 1:43:46 PM Viewed: 8/8/2022 2:05:29 PM Signed: 8/8/2022 2:05:37 PM
Electronic Record and Signature Disclosure: Accepted: 4/4/2022 7:07:50 AM ID: 3727ec8b-93c8-4a7d-9da2-ff54607d4efd		

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	8/8/2022 10:03:28 AM
Certified Delivered	Security Checked	8/8/2022 2:05:29 PM
Signing Complete	Security Checked	8/8/2022 2:05:37 PM
Completed	Security Checked	8/8/2022 2:05:37 PM

Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Secretary of State (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Secretary of State:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: daniel.garcia5@state.nm.us

To advise Secretary of State of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at daniel.garcia5@state.nm.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Secretary of State

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to daniel.garcia5@state.nm.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Secretary of State

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to daniel.garcia5@state.nm.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Secretary of State as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Secretary of State during the course of your relationship with Secretary of State.

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Friday, October 7, 2022 3:30 PM
To: tom388101@gmail.com
Subject: Absentee Register Information

Be advised, the system will automatically send the Absentee Register to you up to 3 times a day. I believe the first day (October 11) will generate, and send, once at 12:00pm; however, beginning October 12, the system will generate and send the report at 6:00am, 12:00pm, and 6:00pm, every day, for the remainder of the election.

The Absentee Register emails will come from sender "NM SERVIS" (*sos.elections@state.nm.us*)3Please note, those who vote early in person also appear on this list, so we recommend sorting by "Application Source" Column first.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Monday, September 12, 2022 9:57 AM
To: SOS CLERKS EMAIL
Subject: Absentee Register Subscriber

Good Morning,

We received a subscriber request for the absentee register for Legislative District 64, WHICH IS COMPRISED OF Curry, Roosevelt, and Chaves Counties.

We added the subscriber in SERVIS. By selecting Legislative District 64, will the system automatically send the subscriber the register for all 3 counties in the district? Or do they need to request to be added as a subscriber in each county? In SERVIS, it says "may include.." so we want to be sure to advise the requestor correctly.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <charlotte.chinana@state.nm.us>
Sent: Friday, August 12, 2022 10:57 AM
To: Chinana, Charlotte, SOS
Subject: Accepted: 2022 GEN: Election Readiness Check-in (Curry) @ Wed Aug 17, 2022 10am - 11am (MDT) (Chinana, Charlotte, SOS)

fmtlqfsiE hzww-htzsy-3twl%mfx%fhhjuyji%ymnx%ns{nyfyrts3%

curryelections@currycounty.org

From: Valdez, Felecia, SOS <Felecia.Valdez@state.nm.us>
Sent: Thursday, September 1, 2022 4:31 PM
To: Hogland, Annie; Ancira, Adrian
Cc: Chinana, Charlotte, SOS; Vigil, Mandy, SOS
Subject: Action Required: BOD Order Form
Attachments: 2020-CurryCounty_General_VoterTurnout_AppendixC.xlsx; BOD_OrderForm_Curry.pdf

Greetings,

Please take a moment to review the attached templates; we will need you to complete and return a copy of the ballot-on-demand check-in station order form as soon as possible: nmclerks@state.nm.us.

If you have any clarifying questions, let us know. Thank you and have a wonderful rest-of-the-week!

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Felecia R. Valdez

New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
Desk: 505-827-3632
Felecia.valdez@state.nm.us

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 GENERAL ELECTION CHECK-IN STATION ORDER FORM

COUNTY:	Curry		
Projected Ballot Size:	14" Single	**2018 General Actuals:**	18
Vendor:	AES	**2022 BOD Formula:**	18

Check-In Station Calculations

Ballot on Demand Systems

Absentee BOD Systems:	2
Early Voting BOD Systems:	4
Election Day ONLY* BOD Systems:	21
Total Number of BOD Systems:	27

Same Day Registration Systems

Early Voting SDR Systems:	3
Election Day ONLY* SDR Systems:	9
Total Number of SDR Systems:	9

Sample Ballot Systems

Early Voting Sample Ballot Systems:	2
Election Day ONLY* Sample Ballot Systems:	4
Total Number of Sample Ballot Systems:	4

Other Systems

Total Number of Other Systems (Please Explain Below):	

Notes: North Plains Mall serves as both an EV and ED location. When ordering from AES, we requested 2 EV systems at mall, and 3 for ED.

Sample Ballot System at North Plains Mall EV can serve for that site on ED, and, the sample ballot system at the Clerk's Office can be deployed to an election day site; This is reflected in "Total" requested.

For SDR, we can reassign 3 of the EV SDR tablets to ED locations; this is reflected in "Total" SDR requested.

*Robis and AES deploy EV BOD to ED at no additional cost, so these should not be counted in the ED allotment.

Polling Location	2016 Turnout	Vote Type	AES: Check-in Station Calculations	
			14" Single	14" Pre-printed back
VCC - Colonial Clubhouse	978	Election Day	2	2
VCC - Grady's Senior Center	127	Election Day	2	2
VCC - Melrose City Hall	315	Election Day	2	2
VCC - North Plains Mall	556	Election Day	2	2
VCC - Roy Walker Center	1035	Election Day	2	2
VCC - Texico Community Building	309	Election Day	2	2
VCC - Trinity United Methodist Church	1078	Election Day	2	2
VCC - Youth Recreation Building	868	Election Day	2	2
Total			**16**	**16**

14" Double	17" Single	17" Pre-printed back	17" Double	19" Single	19" Pre-printed back
3	2	2	3	3	3
2	2	2	2	2	2
2	2	2	2	2	2
2	2	2	2	2	2
3	2	2	3	3	3
2	2	2	2	2	2
3	2	2	4	3	3
3	2	2	3	3	3
20	**16**	**16**	**21**	**20**	**20**

	ROBIS: Check-in Station Calculations					
19"Double	14" Single HP2055	14" Double HP2055	17" Single	17" Double	19" Single	19"Double
4	2	3	2	3	2	4
2	2	2	2	2	2	2
2	2	2	2	2	2	2
2	2	2	2	2	2	2
4	2	3	3	4	3	4
2	2	2	2	2	2	2
4	2	3	3	4	3	4
3	2	3	2	3	2	4
23	**16**	**20**	**18**	**22**	**18**	**24**

14" Single M401	14" Double M401
2	3
2	2
2	2
2	2
2	3
2	2
2	3
2	2
16	**19**

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Friday, August 12, 2022 11:14 AM
To: SOS CLERKS EMAIL
Subject: Business Reply Mail Postage
Attachments: BRM Invoice 2022.pdf

Good Morning,

We received the attached notice in the mail regarding the elections BRM. Can you all confirm that this has been taken care of? Or, is this something we need to pay.. We have not done so in the past, but I want to be sure we have no issues receiving elections mail through the BRM.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

UNITED STATES POSTAL SERVICE®

BRM FEE RENEWAL NOTICE

AUGUST 20, 2022

JOSE BACA
BMEU CLERK
1224 W 21ST ST
CLOVIS NM 88101-9998

SOS CURRY COUNTY CLERK
ANNE HOGLAND
417 GIDDING ST UNIT 130
CLOVIS NM 88102-2208

Dear ANNE HOGLAND

Your privilege to receive Business Reply Mail will expire on the date shown below. If you plan to continue using your existing privilege(s), the BRM annual fee and/or BRM annual account maintenance fee(s) noted below must be paid prior to the indicated due date(s). If the BRM annual fee was paid at another Post Office™, please submit a copy of the Form 3544 (Receipt for Money) showing payment of this fee to your local Post Office or BMEU.

FEE TYPE	PERMIT TYPE	PERMIT #	EXP DATE	FEE COST
BRM Annual Maintenance	BR	10240526	10/15/2022	$825.00

02108756000C

If you have paid the annual account maintenance fee shown above, please disregard this notice. It is recommended that fees be paid in advance to facilitate the acceptance of your mailings. Fee payments may be paid up to 60 days in advance of their expiration date. Please return this notice with your payment and/or receipt of payment (PS Form 3544) to the address below:

CLOVIS NW STATION
1224 W 21ST ST
CLOVIS NM 88101-9998

If paying an accounting fee, please make your check payable to POSTMASTER or U.S. POSTAL SERVICE ®. Also, note on your check your permit number and type of service you are requesting. Thank you for your business. We look forward to continuing to serve your mailing needs.

Sincerely,

JOSE BACA
BMEU CLERK
575-763-5556

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Friday, August 12, 2022 11:38 AM
To: Stephen@Vandelay.Solutions
Cc: Daniel@Vandelay.Solutions
Subject: ClerkList Email Membership

Good Morning,

My office would like to confirm only the following two emails are on the list to receive ClerkList emails:
ahogland@currycounty.org - (Annie Hogland)
aancira@currycounty.org - (Adrian Ancira)

Any other email addresses associated with *currycounty.org* should be removed. We're going through a transition period with staff. In the future, we may reach out to request others be added, but for now, I would like only Adrian and myself to be on the list.

In case it is helpful, others who may be currently on the list, that should be removed: mjesko@currycounty.org; jwilson@currycounty.org; awylie@currycounty.org; slawson@currycounty.org.

Thank you for your time, assistance, and for hosting the list service!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Monday, November 14, 2022 3:44 PM
To: Lance Pyle
Cc: Adrian Ancira
Subject: County Board of Canvass Meeting 11/15/22
Attachments: 22General_CandidateSummaryReport.PDF; 22General_BallotsCastReport.PDF; 22General_CurryCountyCanvassSummary.pdf; 2022 Proposed Certificate of Canvass.pdf

Good Afternoon,

In preparation for tomorrow's Commission Meeting, specifically the Board of Canvass, can you please forward the following attachments to the BOCC?

1) 2022 General Election Candidate Summary Report
2) 2022 General Ballots Cast Report
3) 2022 General Canvass Report
4) Proposed 2022 General Certificate of Canvass

Please let me know if anyone requests paper copies of the documents.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

Curry County

Countywide

Ballots Cast Summary of General Election Held on November 8, 2022
State of New Mexico

Precinct	Absentee	Early	Election Day	Hand	Provisionals	Total Ballots Cast
PRECINCT 001	1	31	55	0	0	87
PRECINCT 002	6	33	82	0	0	121
PRECINCT 003	12	49	47	1	0	109
PRECINCT 004	11	50	296	2	0	359
PRECINCT 005	8	70	64	0	0	142
PRECINCT 006	10	36	42	1	0	89
PRECINCT 007	13	69	97	0	0	179
PRECINCT 008	34	156	113	2	0	305
PRECINCT 009	33	109	105	0	1	248
PRECINCT 010	16	165	94	1	0	276
PRECINCT 011	43	152	149	0	0	344
PRECINCT 012	42	179	149	2	0	372
PRECINCT 013	26	123	90	0	0	239
PRECINCT 014	30	141	135	0	1	307
PRECINCT 015	34	118	142	0	0	294
PRECINCT 016	2	9	18	0	0	29
PRECINCT 017	32	220	202	3	0	457
PRECINCT 018	19	230	223	1	0	473
PRECINCT 019	19	155	112	1	0	287
PRECINCT 020	35	97	111	1	0	244
PRECINCT 021	14	71	80	0	0	165
PRECINCT 022	16	47	69	0	0	132
PRECINCT 023	15	180	116	2	0	313
PRECINCT 024	32	278	227	2	0	539
PRECINCT 025	10	25	49	0	0	84
PRECINCT 026	13	31	59	2	0	105
PRECINCT 027	5	42	40	0	0	87
PRECINCT 028	12	38	54	0	0	104
PRECINCT 029	12	55	44	1	0	112
PRECINCT 030	15	88	100	1	0	204
PRECINCT 031	20	48	56	3	0	127
PRECINCT 032	17	128	85	0	0	230
PRECINCT 033	10	75	237	0	0	322
PRECINCT 034	3	10	66	0	0	79
PRECINCT 035	16	264	200	1	1	482
PRECINCT 036	5	45	78	0	0	128
PRECINCT 037	42	267	231	2	0	542
PRECINCT 038	24	165	109	0	1	299
PRECINCT 039	34	248	116	1	1	400
PRECINCT 040	34	217	137	0	0	388
PRECINCT 041	11	42	57	0	0	110
PRECINCT 042	9	67	61	0	0	137
PRECINCT 043	14	122	85	3	0	224
	809	4745	4682	33	5	10274

Curry County

Countywide

Candidate Summary of General Election Held on November 8, 2022
State of New Mexico

United States Representative - DISTRICT 3

ALEXIS MARTINEZ JOHNSON (REP)	7320
TERESA LEGER FERNANDEZ (DEM)	2831

Governor and Lieutenant Governor

KAREN EVETTE BEDONIE AND EFREN GALLARDO, JR (LIB)	640
MARK V RONCHETTI AND ANT L THORNTON (REP)	7092
MICHELLE LUJAN GRISHAM AND HOWIE C MORALES (DEM)	2516

Secretary of State

MAGGIE TOULOUSE OLIVER (DEM)	2513
AUDREY TRUJILLO (REP)	7238
MAYNA ERIKA MYERS (LIB)	414

Attorney General

RAÚL TORREZ (DEM)	2680
JEREMY MICHAEL GAY (REP)	7454

State Auditor

JOSEPH M MAESTAS (DEM)	3046
TRAVIS STEVEN SANCHEZ (LIB)	5964

State Treasurer

HARRY B MONTOYA (REP)	7480
LAURA M MONTOYA (DEM)	2613

Commissioner of Public Lands

JEFFERSON L BYRD (REP)	7465
STEPHANIE GARCIA RICHARD (DEM)	2578
LARRY E MARKER (write in) (IND)	27

State Representative - DISTRICT 63

MARTIN ZAMORA (REP)	2031

State Representative - DISTRICT 64

ANDREA R REEB (REP)	2526
DAVID M LANSFORD (IND)	1725

State Representative - DISTRICT 67

JACKEY O CHATFIELD (REP)	2613

Justice of the Supreme Court

THOMAS C MONTOYA (REP)	7505
JULIE J VARGAS (DEM)	2588

Justice of the Supreme Court Position 2	
KERRY J MORRIS (REP)	7472
BRIANA H ZAMORA (DEM)	2636
Judge of the Court of Appeals Position 1	
BARBARA V JOHNSON (REP)	7227
GERALD EDWARD BACA (DEM)	2336
SOPHIE I COOPER (LIB)	533
Judge of the Court of Appeals Position 2	
KATHERINE ANNE WRAY (DEM)	2473
STEPHEN P CURTIS (LIB)	725
GERTRUDE LEE (REP)	6876
District Court Judge - NINTH JUDICIAL DISTRICT : DIVISION 01	
BENJAMIN S CROSS (REP)	8635
Magistrate Judge - DIVISION 1	
JANEMARIE A VANDERDUSSEN (REP)	2650
Magistrate Judge - DIVISION 2	
STEPHEN R WHITTINGTON (REP)	5697
County Commissioner by Commissioner District - DISTRICT 1	
FIDEL M MADRID (DEM)	791
County Commissioner by Commissioner District - DISTRICT 2	
THOMAS W MARTIN III (IND)	1014
BRADLEY DEAN BENDER (REP)	1441
County Commissioner by Commissioner District - DISTRICT 3	
DUSTY W LEATHERWOOD (REP)	1797
County Sheriff	
MICHAEL D REEVES (REP)	8453
County Assessor	
RANDA K JESKO (REP)	8426
Probate Judge	
HOLLIE L BARNETT (REP)	8366
JUDICIAL RETENTION: Shall MICHAEL E VIGIL be retained as Justice of the Supreme Court Position 1?	
Yes	5527
No	3199
JUDICIAL RETENTION: Shall JANE B YOHALEM be retained as Judge of the Court of Appeals?	
Yes	5428
No	3221

Constitutional Amendment 1: Proposing an amendment to Article 12, Section 7 of the Constitution of New Mexico to provide for additional annual distributions of the permanent school fund for enhanced instruction for students at risk of failure, extending the school year, teacher compensation and early childhood education; requiring congressional approval for distributions for early childhood education.

Yes	5551
No	4098

Constitutional Amendment 2: Proposing to amend Article 9, Section 14 of the constitution of New Mexico to allow public investment to provide access to essential household services, including internet, energy, water, wastewater and other similar services as provided by law, upon the enactment of general implementing legislation by a majority vote of the members elected to each house of the Legislature.

Yes	4405
No	4981

Constitutional Amendment 3: Proposing to amend Article 6, Section 35 of the Constitution of New Mexico to provide that an appointed judge serve at least one year before a general election is held for the office to which the judge was appointed.

Yes	5865
No	3519

Bond Question 1: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of senior citizen facility improvement, construction and equipment acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed twenty-four million four hundred seventy thousand dollars ($24,470,000) to make capital expenditures for certain senior citizen facility improvement, construction and equipment acquisition projects and provide for a general property tax

Yes	5202
No	4288

Bond Question 2: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of library acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed nineteen million two hundred sixty-six thousand dollars ($19,266,000) to make capital expenditures for academic, public school, tribal and public library resource acquisitions and provide for a general property tax imposition and levy for the payment of principal of, interest on and expenses

Yes	4633
No	4778

Bond Question 3: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of higher education, special schools and tribal schools capital improvement and acquisition bonds. Shall the state be authorized to issue general obligation bonds in an amount not to exceed two hundred fifteen million nine hundred eighty-six thousand dollars ($215,986,000) to make capital expenditures for certain higher education, special schools and tribal schools capital improvements and acquisitions and pro

Yes	4692
No	4805

Curry County

County Summary

Canvass of Returns of General Election Held on November 8, 2022 - State of New Mexico
Canvass Sheet

Precinct	Ballots Cast	United States Representative DISTRICT 3		Governor and Lieutenant Governor			Secretary of State			Attorney General		State Auditor		State Treasurer		Commissioner of Public Lands			State Representative DISTRICT 63	State Representative DISTRICT 64		State Representative DISTRICT 67	Justice of the Supreme Court		Justice of the Supreme Court Position 2		Judge of the Court of Appeals Position 1			Judge of the Court of Appeals Position 2			District Court Judge NINTH JUDICIAL DISTRICT :	Magistrate Judge DIVISION 1	Magistrate Judge DIVISION 2	County Commissioner by Commissioner	County Commissioner by Commissioner District DISTRICT 2		County Commissioner by Commissioner
		ALEXIS MARTINEZ JOHNSON	TERESA LEGER FERNANDEZ	KAREN EVETTE BEDONIE AND EFREN	MARK V RONCHETTI AND ANT L	MICHELLE LUJAN GRISHAM AND HOWIE C	MAGGIE TOULOUSE OLIVER	AUDREY TRUJILLO	MAYNA ERIKA MYERS	RAÚL TORREZ	JEREMY MICHAEL GAY	JOSEPH M MAESTAS	TRAVIS STEVEN SANCHEZ	HARRY B MONTOYA	LAURA M MONTOYA	JEFFERSON L BYRD	STEPHANIE GARCIA RICHARD	LARRY E MARKER (write in)	MARTIN ZAMORA	ANDREA R REEB	DAVID M LANSFORD	JACKEY O CHATFIELD	THOMAS C MONTOYA	JULIE J VARGAS	KERRY J MORRIS	BRIANA H ZAMORA	BARBARA V JOHNSON	GERALD EDWARD BACA	SOPHIE I COOPER	KATHERINE ANNE WRAY	STEPHEN P CURTIS	GERTRUDE LEE	BENJAMIN S CROSS	JANEMARIE A VANDERDUSSEN	STEPHEN R WHITTINGTON	FIDEL M MADRID	THOMAS W MARTIN III	BRADLEY DEAN BENDER	DUSTY W LEATHERWOOD
001	87	81	6	16	68	3	4	79	3	3	83	5	65	82	3	81	4	1				77	82	4	82	4	80	4	2	4	3	79	80		79				
002	121	109	9	8	106	7	6	107	5	8	110	12	91	111	6	113	4	0		72	46		112	6	113	5	106	3	8	3	9	105	110		109				
003	109	94	14	10	89	10	8	92	8	10	97	14	75	96	12	96	11	2				103	97	11	94	14	93	10	4	10	6	91	104		101				96
004	359	300	50	18	302	36	48	299	9	43	310	65	245	316	36	313	41	0	324				311	40	312	40	308	33	12	45	32	272	319		309				
005	142	109	30	6	110	26	28	109	2	28	112	29	94	109	31	111	28	0	120				110	29	109	30	106	25	8	28	9	101	122	115					
006	89	38	51	8	34	47	40	43	6	49	39	56	25	43	46	40	48	0	66				40	46	35	52	37	46	5	44	6	36	64	59		70			
007	179	62	115	13	62	104	101	68	7	109	66	107	58	66	108	65	109	0	112				65	110	63	110	61	108	6	105	16	55	112	111		136			
008	305	164	137	14	165	124	122	166	11	136	164	140	127	168	133	164	133	0	225				174	126	162	138	155	130	16	133	14	154	223	218		209			
009	248	121	123	18	115	115	114	118	15	120	124	125	103	124	119	121	119	1	174				124	117	125	117	118	105	16	110	23	109	182	174		175			
010	276	236	39	11	234	31	33	229	13	35	238	46	193	236	38	239	30	2				237	237	35	241	31	228	27	17	32	17	223	244		238				244
011	344	233	107	18	234	91	87	243	9	100	240	108	184	238	97	235	97	2				274	237	101	237	99	229	88	22	91	26	220	285	280			150	181	
012	372	214	154	20	204	146	140	214	14	146	224	155	178	221	146	224	143	0				286	226	140	217	151	211	128	28	143	27	198	295	286					291
013	239	162	74	13	150	73	71	155	8	72	163	82	139	159	74	165	69	0				179	161	73	163	72	152	68	13	69	14	150	189		179		89	131	
014	307	207	93	31	191	84	82	204	18	91	208	90	178	213	86	214	86	0				239	215	86	220	82	209	72	21	79	28	195	252		244		124	163	
015	294	182	108	23	169	102	97	177	17	108	180	117	151	185	105	182	104	0				214	183	107	180	110	172	94	23	100	26	163	227		216		130	147	
016	29	26	2	4	25	0	3	23	2	2	26	6	18	27	0	27	0	0				27	27	0	27	0	25	0	2	0	4	23	27		27				29
017	457	343	109	41	317	98	101	331	25	100	355	125	287	355	96	352	99	0		253	188		357	93	347	102	350	74	26	88	36	324	389		387				383
018	473	366	106	16	368	89	88	359	19	99	369	110	300	370	96	366	96	2		277	187		370	96	372	93	353	82	28	93	27	344	415		398				
019	287	213	73	13	206	68	70	206	9	71	213	77	164	210	72	211	71	0		162	115		212	69	210	71	211	55	14	60	21	199	244		234		105	174	
020	244	144	95	21	133	89	89	145	7	98	142	98	121	142	98	141	98	0	185				146	96	146	95	139	87	16	93	13	136	193	184		152			
021	165	104	59	10	104	50	52	103	7	55	106	66	77	108	55	111	52	0				118	112	51	107	56	105	51	7	54	10	98	130	127			62	91	
022	132	69	60	14	60	58	58	65	7	59	65	59	61	69	60	67	59	0	97				69	59	70	59	65	55	8	60	10	59	97	97					
023	313	261	51	9	255	48	50	253	9	48	262	63	213	266	45	263	48	0		168	132		259	50	260	50	255	43	10	48	13	248	288		272		123	184	
024	539	405	129	38	388	112	117	398	20	118	415	149	321	413	115	410	113	7		334	190		419	112	420	112	406	91	32	108	44	378	474		451				
025	84	31	50	4	36	44	42	39	2	47	34	51	21	35	46	35	45	0	54				36	44	36	45	31	48	2	43	4	33	55	52					
026	105	47	56	9	47	49	43	50	9	56	46	49	48	48	54	49	53	0	72				47	54	47	53	48	50	5	49	11	42	77	74					
027	87	52	35	9	55	23	28	52	6	34	52	36	45	55	28	54	27	0	61				59	26	54	31	51	25	8	21	11	51	65	63					
028	104	58	46	17	52	34	37	56	9	45	56	43	52	64	39	56	42	0	78				61	42	64	40	55	42	7	38	10	56	79	81					
029	112	52	60	5	47	59	54	52	6	59	53	57	47	56	56	54	58	0	79				54	57	51	61	51	55	5	55	7	49	75		69	49			24
030	204	173	29	8	171	25	27	169	7	27	176	39	132	173	28	175	25	1	182				175	26	176	26	173	24	5	26	10	166	187	186					
031	127	91	34	11	83	33	32	83	8	31	92	36	74	93	30	93	30	0				102	91	31	90	34	88	28	7	30	10	83	106		105				100
032	230	185	44	11	181	36	39	179	11	41	186	55	141	183	43	187	39	1				192	187	39	189	39	183	36	8	37	14	175	201		195		76	147	
033	322	260	59	13	261	46	45	257	16	51	268	62	218	266	52	269	48	0		198	120		268	51	269	48	256	45	15	48	20	248	293	286					
034	79	69	8	13	60	6	7	70	2	6	73	10	61	73	6	71	6	0				70	72	7	73	6	68	6	5	5	5	68	72		70				
035	482	418	57	31	406	45	51	412	14	55	422	79	331	428	46	427	47	1		280	196		426	45	424	51	415	43	18	53	33	390	443		425				

Precinct	Ballots Cast	County Sheriff	County Assessor	Probate Judge	JUDICIAL RETENTION: Shall MICHAEL E VIGIL be retained as Justice of the Supreme Court		JUDICIAL RETENTION: Shall JANE B YOHALEM be retained as Judge of the Court of Appeals?		Constitutional Amendment 1: Proposing an amendment to Article 12, Section 7 of the Constitution of		Constitutional Amendment 2: Proposing to amend Article 9, Section 14 of the constitution of New Mexico to allow		Constitutional Amendment 3: Proposing to amend Article 6, Section 35 of the Constitution of New Mexico to		Bond Question 1: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of		Bond Question 2: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of		Bond Question 3: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of		Precinct
		MICHAEL D REEVES	RANDA K JESKO	HOLLIE L BARNETT	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
001	87	79	81	80	39	35	40	32	35	45	27	50	33	44	37	42	33	43	35	42	001
002	121	112	109	110	37	58	41	53	40	72	25	86	47	60	36	75	28	80	18	91	002
003	109	99	101	101	53	40	49	42	44	62	26	77	61	42	46	60	42	63	40	66	003
004	359	318	316	314	187	120	178	131	167	176	126	206	184	146	183	144	154	176	146	185	004
005	142	118	117	117	72	49	68	50	69	63	49	78	70	57	74	59	59	72	63	67	005
006	89	61	60	57	61	13	59	13	69	13	52	25	63	15	54	25	55	21	59	20	006
007	179	110	109	105	118	34	117	33	147	19	122	37	126	35	120	43	118	40	119	44	007
008	305	215	218	209	177	80	172	81	195	86	157	113	199	78	177	99	159	114	164	111	008
009	248	177	174	172	159	59	149	63	168	65	144	86	172	59	155	75	132	94	139	89	009
010	276	244	241	239	131	105	128	107	122	138	91	156	140	113	128	125	97	156	95	156	010
011	344	280	280	271	194	101	195	97	207	121	166	157	206	114	182	139	157	164	164	154	011
012	372	296	294	285	238	91	234	91	252	101	206	138	235	108	216	130	198	143	205	138	012
013	239	185	182	181	141	69	133	73	133	97	110	114	144	84	106	125	101	126	115	116	013
014	307	251	247	247	170	92	166	95	170	119	144	138	184	100	161	123	145	137	147	137	014
015	294	221	220	222	163	89	158	89	182	92	151	112	174	89	163	104	145	116	150	118	015
016	29	27	26	27	20	2	17	4	10	18	6	22	13	15	13	15	7	21	6	22	016
017	457	385	387	377	245	157	247	155	239	197	186	239	241	181	202	221	190	236	194	239	017
018	473	406	406	410	221	152	217	148	261	189	195	238	266	164	227	209	203	222	216	223	018
019	287	242	244	239	152	94	145	96	137	134	108	157	161	105	131	134	113	152	118	150	019
020	244	189	185	185	140	74	135	77	161	69	132	93	156	70	136	91	123	101	122	104	020
021	165	126	122	127	92	47	91	49	96	55	79	70	110	39	89	59	77	69	79	70	021
022	132	93	93	94	85	29	86	29	83	39	73	46	84	36	67	52	66	52	68	50	022
023	313	280	283	278	168	110	169	105	146	143	105	178	161	123	143	145	129	161	125	163	023
024	539	462	453	458	278	168	282	163	309	203	232	272	302	204	280	231	242	263	249	260	024
025	84	54	57	55	58	13	54	17	48	25	48	23	49	21	53	20	44	25	50	22	025
026	105	77	72	69	66	24	65	25	74	23	72	27	72	25	62	35	64	34	69	30	026
027	87	61	63	63	47	27	45	28	46	35	44	38	49	30	45	36	42	37	35	47	027
028	104	82	82	77	66	23	67	21	67	27	59	34	69	24	59	35	53	41	53	40	028
029	112	70	71	71	77	24	74	27	76	27	60	40	71	30	68	35	63	40	61	42	029
030	204	187	185	185	102	73	102	73	90	102	76	115	109	84	99	92	91	99	82	109	030
031	127	104	105	101	67	42	65	42	77	41	60	51	78	36	77	39	71	43	73	44	031
032	230	194	195	190	116	72	115	74	112	105	77	129	114	89	106	103	100	109	93	118	032
033	322	287	282	286	165	116	167	112	150	131	131	146	169	105	158	119	132	146	130	150	033
034	79	71	70	71	38	33	36	33	23	51	17	55	33	39	32	41	30	42	27	44	034
035	482	436	436	436	221	197	223	192	210	254	134	316	239	213	210	248	180	276	181	282	035

Curry County

County Summary

Canvass of Returns of General Election Held on November 8, 2022 - State of New Mexico
Canvass Sheet

Precinct	Ballots Cast	United States Representative DISTRICT 3		Governor and Lieutenant Governor			Secretary of State			Attorney General		State Auditor		State Treasurer		Commissioner of Public Lands			State Representative DISTRICT 63	State Representative DISTRICT 64		State Representative DISTRICT 67	Justice of the Supreme Court		Justice of the Supreme Court Position 2		Judge of the Court of Appeals Position 1			Judge of the Court of Appeals Position 2			District Court Judge NINTH JUDICIAL DISTRICT :	Magistrate Judge DIVISION 1	Magistrate Judge DIVISION 2	County Commissioner by Commissioner	County Commissioner by Commissioner District DISTRICT 2		County Commissioner by Commissioner
		ALEXIS MARTINEZ JOHNSON	TERESA LEGER FERNANDEZ	KAREN EVETTE BEDONIE AND EFREN	MARK V RONCHETTI AND ANT L	MICHELLE LUJAN GRISHAM AND HOWIE C	MAGGIE TOULOUSE OLIVER	AUDREY TRUJILLO	MAYNA ERIKA MYERS	RAÚL TORREZ	JEREMY MICHAEL GAY	JOSEPH M MAESTAS	TRAVIS STEVEN SANCHEZ	HARRY B MONTOYA	LAURA M MONTOYA	JEFFERSON L BYRD	STEPHANIE GARCIA RICHARD	LARRY E MARKER (write in)	MARTIN ZAMORA	ANDREA R REEB	DAVID M LANSFORD	JACKEY O CHATFIELD	THOMAS C MONTOYA	JULIE J VARGAS	KERRY J MORRIS	BRIANA H ZAMORA	BARBARA V JOHNSON	GERALD EDWARD BACA	SOPHIE I COOPER	KATHERINE ANNE WRAY	STEPHEN P CURTIS	GERTRUDE LEE	BENJAMIN S CROSS	JANEMARIE A VANDERDUSSEN	STEPHEN R WHITTINGTON	FIDEL M MADRID	THOMAS W MARTIN III	BRADLEY DEAN BENDER	DUSTY W LEATHERWOOD
036	128	102	26	11	103	14	19	105	3	19	106	21	88	111	14	109	16	1	117				110	16	111	16	106	14	6	14	5	107	122		115				
037	542	416	114	23	404	113	106	409	21	107	429	147	318	422	108	422	106	2		315	214		420	113	429	106	413	90	29	104	32	393	469		451				454
038	299	214	83	13	206	80	77	212	8	80	216	96	171	221	74	220	75	0		163	128		219	77	218	77	210	78	8	68	21	206	265		257				
039	400	319	76	14	316	70	71	316	9	77	320	87	248	319	70	321	69	1		233	152		321	69	320	71	315	63	13	66	26	298	345		331				
040	388	296	89	26	291	71	70	299	14	72	312	100	247	308	76	312	69	1				328	308	73	307	73	297	63	21	66	33	278	336		328		155	223	
041	110	75	33	11	67	32	29	74	6	35	74	30	72	74	34	73	33	2	85				79	30	75	34	72	27	10	26	15	68	88	84					
042	137	84	51	6	82	48	46	83	7	50	86	59	65	84	51	86	50	0		71	57		87	49	87	49	82	47	7	44	11	78	114		107				
043	224	135	87	12	135	77	81	135	6	80	142	85	117	140	81	141	78	0				167	140	82	140	83	139	73	10	80	13	127	178	173					176
Total	10274	7320	2831	640	7092	2516	2513	7238	414	2680	7454	3046	5964	7480	2613	7465	2578	27	2031	2526	1725	2613	7505	2588	7472	2636	7227	2336	533	2473	725	6876	8635	2650	5697	791	1014	1441	1797

Precinct	Ballots Cast	County Sheriff	County Assessor	Probate Judge	JUDICIAL RETENTION: Shall MICHAEL E VIGIL be retained as Justice of the Supreme Court		JUDICIAL RETENTION: Shall JANE B YOHALEM be retained as Judge of the Court of Appeals?		Constitutional Amendment 1: Proposing an amendment to Article 12, Section 7 of the Constitution of		Constitutional Amendment 2: Proposing to amend Article 9, Section 14 of the constitution of New Mexico to allow		Constitutional Amendment 3: Proposing to amend Article 6, Section 35 of the Constitution of New Mexico to		Bond Question 1: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of		Bond Question 2: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of		Bond Question 3: The 2022 Capital Projects General Obligation Bond Act authorizes the issuance and sale of		Precinct
		MICHAEL D REEVES	RANDA K JESKO	HOLLIE L BARNETT	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	
036	128	117	117	115	67	40	64	43	62	63	47	75	60	60	48	77	46	78	43	80	036
037	542	455	453	451	275	158	274	158	260	249	195	293	289	199	253	245	228	270	240	256	037
038	299	249	257	258	137	118	138	115	152	130	116	161	170	101	136	139	124	149	123	154	038
039	400	333	337	336	211	118	205	119	191	184	148	220	229	137	219	155	191	177	190	181	039
040	388	331	327	330	192	133	195	132	188	178	152	200	232	125	179	185	167	195	162	205	040
041	110	83	88	87	64	32	62	33	68	38	62	41	67	36	62	41	53	51	53	50	041
042	137	111	110	110	77	36	69	42	74	50	71	51	86	32	71	53	61	61	62	60	042
043	224	175	171	170	140	52	132	59	141	69	124	78	148	52	139	65	120	83	129	76	043
Total	10274	8453	8426	8366	5527	3199	5428	3221	5551	4098	4405	4981	5865	3519	5202	4288	4633	4778	4692	4805	

CERTIFICATION OF CANVASS RESULTS

We, the undersigned Board of County Commissioners acting as the Board of Canvassers of Curry County, State of New Mexico, canvass the General Election held in said county, November 8, 2022, certify that the canvass results text file sent to the Office of New Mexico Secretary of State is a correct canvass of returns of said election.

WITNESS the Honorable Board of County Commissioners, November 15, 2022.

THE BOARD OF COUNTY COMMISSIONERS:

_____
Chet Spear, Chairman

_____
Robert O. Sandoval, Vice Chairman

_____
Thomas W. Martin, III, Member

_____
Seth Martin, Member

_____
Robert Thornton, Member

SEAL

ATTEST:

_____
Annie Hogland, County Clerk

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, November 3, 2022 10:01 AM
To: SOS CLERKS EMAIL
Subject: Curry - Clear Results (2022 Gen)
Attachments: Curry_AirGap110122.jpg; Curry_RTRZeroReport2022General.pdf; Curry_RTRUSBAttestation2022General.pdf

Good Morning,

Please see attached items on behalf of Curry County:

1) Dominion RTR Server Report - Zero
2) RTR Server Air Gap Picture
3) RTR/USB Attestation

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

6386205350
EXPRESS SERVICE CODE

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

RTR and Secure USB Wipe Attestation

I, Annie Hogland attest that the mock election results from the Dominion Voting Systems - RTR Server and Secure USB provided to Curry County (County Name), by the Secretary of State's office have been wiped clean using the procedure provided by the secretary's office.

Signature

11/3/22
Date Signed

Notary Statement:

State of: New Mexico
County of: Curry
Signed and sworn (or affirmed) before me on the 3rd day of November, 2022, by Annie Hogland.

STATE OF NEW MEXICO
NOTARY PUBLIC
JODI WILSON
Commission No: 1128275
Commission Expires: February 24, 2024

Signature of notarial officer

Notary
Title and Rank

My Commission Expires: Feb. 24, 2024

2022 General | Curry County
ZERO REPORT
Certification/Mock Election

11/1/22

Ballots Cast: 0

UNITED STATES REPRESENTATIVE DISTRICT 3 (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	**Party**	**Total**
ALEXIS MARTINEZ JOHNSON	REP	0
TERESA LEGER FERNANDEZ	DEM	0
Total Votes		0
		Total
Unresolved Write-In		0

GOVERNOR AND LIEUTENANT GOVERNOR (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	**Party**	**Total**
KAREN EVETTE BEDONIE AND EFREN GALLARDO, JR	LIB	0
MARK V RONCHETTI AND ANT L THORNTON	REP	0
MICHELLE LUJAN GRISHAM AND HOWIE C MORALES	DEM	0
Total Votes		0
		Total
Unresolved Write-In		0

SECRETARY OF STATE (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	**Party**	**Total**
MAGGIE TOULOUSE OLIVER	DEM	0
AUDREY TRUJILLO	REP	0
MAYNA ERIKA MYERS	LIB	0
Total Votes		0
		Total
Unresolved Write-In		0

ATTORNEY GENERAL (Vote for 1)

	Total
Undervotes	0
Overvotes	0

Candidate	Party	Total
RAÚL TORREZ	DEM	0
JEREMY MICHAEL GAY	REP	0
Total Votes		0

	Total
Unresolved Write-In	0

STATE AUDITOR (Vote for 1)

	Total
Undervotes	0
Overvotes	0

Candidate	Party	Total
JOSEPH M MAESTAS	DEM	0
TRAVIS STEVEN SANCHEZ	LIB	0
Total Votes		0

	Total
Unresolved Write-In	0

STATE TREASURER (Vote for 1)

	Total
Undervotes	0
Overvotes	0

Candidate	Party	Total
HARRY B MONTOYA	REP	0
LAURA M MONTOYA	DEM	0
Total Votes		0

	Total
Unresolved Write-In	0

COMMISSIONER OF PUBLIC LANDS (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
JEFFERSON L BYRD	REP	0	
STEPHANIE GARCIA RICHARD	DEM	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

STATE REPRESENTATIVE DISTRICT 63 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
MARTIN ZAMORA	REP	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

STATE REPRESENTATIVE DISTRICT 64 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
ANDREA R REEB	REP	0	
DAVID M LANSFORD	IND	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

STATE REPRESENTATIVE DISTRICT 67 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
JACKEY O CHATFIELD	REP	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

JUSTICE OF THE SUPREME COURT POSITION 1 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
THOMAS C MONTOYA	REP	0	
JULIE J VARGAS	DEM	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

JUSTICE OF THE SUPREME COURT POSITION 2 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
KERRY J MORRIS	REP	0	
BRIANA H ZAMORA	DEM	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

JUDGE OF THE COURT OF APPEALS POSITION 1 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
BARBARA V JOHNSON	REP	0	
GERALD EDWARD BACA	DEM	0	
SOPHIE I COOPER	LIB	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

JUDGE OF THE COURT OF APPEALS POSITION 2 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
KATHERINE ANNE WRAY	DEM	0	
STEPHEN P CURTIS	LIB	0	
GERTRUDE LEE	REP	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

DISTRICT COURT JUDGE 9TH JUDICIAL DISTRICT DIVISION 01 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
BENJAMIN S CROSS	REP	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

MAGISTRATE JUDGE DIVISION 1 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
JANEMARIE A VANDERDUSSEN	REP	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

MAGISTRATE JUDGE DIVISION 2 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	Party	Total	
STEPHEN R WHITTINGTON	REP	0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

COUNTY SHERIFF (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	Party	Total
MICHAEL D REEVES	REP	0
Total Votes		0
		Total
Unresolved Write-In		0

COUNTY ASSESSOR (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	Party	Total
RANDA K JESKO	REP	0
Total Votes		0
		Total
Unresolved Write-In		0

COUNTY COMMISSIONER DISTRICT 1 (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	Party	Total
FIDEL M MADRID	DEM	0
Total Votes		0
		Total
Unresolved Write-In		0

COUNTY COMMISSIONER DISTRICT 2 (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	Party	Total
THOMAS W MARTIN, III	IND	0
BRADLEY DEAN BENDER	REP	0
Total Votes		0
		Total
Unresolved Write-In		0

COUNTY COMMISSIONER DISTRICT 3 (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	Party	Total
DUSTY W LEATHERWOOD	REP	0
Total Votes		0
		Total
Unresolved Write-In		0

PROBATE JUDGE (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	Party	Total
HOLLIE L BARNETT	REP	0
Total Votes		0
		Total
Unresolved Write-In		0

JUDICIAL RETENTION - MICHAEL E VIGIL (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	Party	Total
YES		0
NO		0
Total Votes		0
		Total
Unresolved Write-In		0

JUDICIAL RETENTION - JANE B YOHALEM (Vote for 1)

		Total
Undervotes		0
Overvotes		0
Candidate	Party	Total
YES		0
NO		0
Total Votes		0
		Total
Unresolved Write-In		0

CONSTITUTIONAL AMENDMENT 1 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	**Party**	**Total**	
FOR		0	
AGAINST		0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

CONSTITUTIONAL AMENDMENT 2 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	**Party**	**Total**	
FOR		0	
AGAINST		0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

CONSTITUTIONAL AMENDMENT 3 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	**Party**	**Total**	
FOR		0	
AGAINST		0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

BOND QUESTION 1 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	**Party**	**Total**	
FOR		0	
AGAINST		0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

BOND QUESTION 2 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	**Party**	**Total**	
FOR		0	
AGAINST		0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

BOND QUESTION 3 (Vote for 1)

		Total	
Undervotes		0	
Overvotes		0	
Candidate	**Party**	**Total**	
FOR		0	
AGAINST		0	
Total Votes		0	
		Total	
Unresolved Write-In		0	

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, September 1, 2022 7:54 PM
To: SOS CLERKS EMAIL
Cc: Adrian Ancira
Subject: Curry | 2022 General Election Readiness
Attachments: Curry 2022 General District Review and Attestation.pdf; Curry 2022 General SERVIS Checklist.pdf

Good Evening,

Please see attached:
1) SERVIS Election Readiness Checklist for the 2022 General Election
2) Attestation followed by initialed Precinct/District Review

We have not yet locked our election because we are still waiting to hear what action will be taken with the Ninth Judicial District Attorney Contest.

I will be out of the office September 2, but I will have access to email and can call from my cell if necessary.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DISTRICT REVIEW – 2022 GENERAL

ATTESTATION OF COMPLIANCE

By signing below, I, Annie Hoagland (*Print name*) attest that Curry (*County*) County has:

- Reviewed all precinct parts to district relationships in the county;
- Ensured that each precinct part has only one of each type of district associated with it;
- Ensured that each of these district and precinct part associations are correct;

I understand that any changes or corrections needed after my county has signed off on our election project will incur additional costs.

I also understand that any additional costs incurred due to changes or corrections made after my county has signed off on our election project, will be the responsibility of my county.

Signature of County Clerk

8/26/22
Date Signed

Notary Statement:

I, Adrian Ancira, Notary for the State of New Mexico in the County of Curry, confirm that the document was attested before me on 8/26/22.

Signature of Notary

STATE OF NEW MEXICO
NOTARY PUBLIC
ADRIAN ANCIRA
Commission No: 1117886
Commission Expires: June 9, 2025

(Seal or stamp above)

My Commission Expires: 6/9/25

Precinct Parts In Districts

District Type	CONGRESSIONAL
Name	DISTRICT 3
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

District Type	COUNCILOR
Name	CITY COMMISSION DISTRICT 4
County	Curry

Precinct Part

010.4
011.1
012.1
013.1
014.1
015.1
019.1
040.1

County Total: 8

District Total: 8

District Type	COUNCILOR
Name	CITY COMMISSION DISTRICT 1
County	Curry

Precinct Part

017.1
018.2
024.2
035.3
037.1
038.1
039.1
042.1

County Total: 8

District Total: 8

Precinct Parts In Districts

District Type	COUNCILOR
Name	CITY COMMISSION DISTRICT 2
County	Curry

Precinct Part
020.1
021.1
022.1
023.1
026.1
026.2
027.2
028.2
032.1
033.5
041.1
042.2

County Total: 12

District Total: 12

District Type	COUNCILOR
Name	CITY COMMISSION DISTRICT 3
County	Curry

Precinct Part
005.2
006.2
007.1
008.1
009.1
010.3
025.1
031.2
043.1

County Total: 9

District Total: 9

District Type	COUNTY COMMISSIONER
Name	DISTRICT 1
County	Curry

Precinct Part
006.1
006.2
007.1
008.1
009.1
020.1
029.2

County Total: 7

District Total: 7

District Type	COUNTY COMMISSIONER
Name	DISTRICT 2
County	Curry

Precinct Part
011.1
013.1
014.1
015.1
019.1
021.1
023.1
032.1
040.1

County Total: 9

District Total: 9

District Type	COUNTY COMMISSIONER
Name	DISTRICT 3
County	Curry

Precinct Part
003.1
003.2
003.3
010.1
010.2
010.3
010.4
012.1
016.1
016.2
016.3
017.1
029.1
031.1
031.2
037.1
043.1

County Total: 17

District Total: 17

Precinct Parts In Districts

District Type	COUNTY COMMISSIONER
Name	DISTRICT 4
County	Curry

Precinct Part

004.1
004.2
005.1
005.2
022.1
025.1
026.1
026.2
027.1
027.2
028.1
028.2
030.1
030.2
036.1
036.2
041.1
042.1
042.2

County Total: 19

District Total: 19

District Type	COUNTY COMMISSIONER
Name	DISTRICT 5
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
018.1
018.2
024.1
024.2
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
038.1
039.1

County Total: 21

District Total: 21

District Type	DISTRICT ATTORNEY NINTH JUDICIAL DISTRICT
Name	9TH JUDICIAL DISTRICT
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4

Precinct Parts In Districts

District Type	EDUCATION COMMISSION
Name	DISTRICT 8
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

Precinct Parts In Districts

034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

District Type	LEGISLATIVE
Name	DISTRICT 63
County	Curry

Precinct Part

004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
020.1
022.1
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
036.1
036.2
041.1

County Total: 25

District Total: 25

District Type	LEGISLATIVE
Name	DISTRICT 64
County	Curry

Precinct Part

002.1
002.2
017.1
018.1
018.2
019.1
023.1
024.1
024.2
033.1
033.2
033.3
033.4
033.5
035.1
035.2
035.3
037.1
038.1
039.1
042.1
042.2

County Total: 22

District Total: 22

Precinct Parts In Districts

District Type	LEGISLATIVE
Name	DISTRICT 67
County	Curry

Precinct Part
001.1
001.2
003.1
003.2
003.3
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
021.1
031.1
031.2
032.1
034.1
034.2
034.3
040.1
043.1

County Total: 26

District Total: 26

District Type	MAGISTRATE
Name	DIVISION 1
County	Curry

Precinct Part
005.1
005.2
006.1
006.2
007.1
008.1
009.1
011.1
012.1
020.1
021.1
022.1
025.1
026.1
026.2
027.1
027.2
028.1
028.2
030.1
030.2
033.1
033.2
033.3
033.4
033.5
041.1
043.1

County Total: 28

District Total: 28

Precinct Parts In Districts

District Type	MAGISTRATE
Name	DIVISION 2
County	Curry

Precinct Part
001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
010.1
010.2
010.3
010.4
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
023.1
024.1
024.2
029.1
029.2
031.1
031.2
032.1
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
042.1
042.2
County Total: 45

District Total: 45

District Type	MUNICIPAL
Name	CITY OF CLOVIS
County	Curry

Precinct Part
005.2
006.2
007.1
008.1
009.1
010.3
010.4
011.1
012.1
013.1
014.1
015.1
017.1
018.2
019.1
020.1
021.1
022.1
023.1
024.2
025.1
026.1
026.2
027.2
028.2
031.2
032.1
033.5
035.3
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1
County Total: 37

District Total: 37

District Type	MUNICIPAL
Name	CITY OF TEXICO
County	Curry

Precinct Part
033.3
033.4
County Total: 2

District Total: 2

Precinct Parts In Districts

District Type	NINTH JUDICIAL DISTRICT
Name	9TH JUDICIAL DISTRICT
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

Precinct Parts In Districts

District Type	PUBLIC REGULATION
Name	DISTRICT 2
County	Curry

Precinct Part

001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
005.1
005.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
032.1
033.1
033.2
033.3
033.4
033.5
034.1
034.2
034.3
035.1
035.2
035.3
036.1
036.2
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

County Total: 73

District Total: 73

Precinct Parts In Districts

District Type	SCHOOL BOARD
Name	CLOVIS MUNICIPAL SCHOOL BOARD DISTRICT 5
County	Curry

Precinct Part
005.1
005.2
006.1
006.2
007.1
008.1
025.1
028.1
028.2
030.1
County Total: 10
District Total: 10

District Type	SCHOOL BOARD
Name	GRADY MUNICIPAL SCHOOL DISTRICT
County	Curry

Precinct Part
001.2
003.3
016.3
034.2
034.3
County Total: 5
District Total: 5

District Type	SCHOOL BOARD
Name	MELROSE MUNICIPAL SCHOOL DISTRICT
County	Curry

Precinct Part
003.2
004.1
004.2
016.2
034.1
036.2
County Total: 6
District Total: 6

District Type	SCHOOL BOARD
Name	TEXICO MUNICIPAL SCHOOL DISTRICT
County	Curry

Precinct Part
001.1
002.2
030.2
033.2
033.3
033.4
035.2
County Total: 7
District Total: 7

District Type	SENATE
Name	DISTRICT 27
County	Curry

Precinct Part
005.1
005.2
028.1
028.2
029.1
029.2
030.1
030.2
031.1
031.2
033.1
033.2
033.3
033.4
033.5
036.1
036.2
County Total: 17
District Total: 17

Precinct Parts In Districts

District Type	SENATE
Name	DISTRICT 7
County	Curry

County Total: 56

District Total: 56

Precinct Part
001.1
001.2
002.1
002.2
003.1
003.2
003.3
004.1
004.2
006.1
006.2
007.1
008.1
009.1
010.1
010.2
010.3
010.4
011.1
012.1
013.1
014.1
015.1
016.1
016.2
016.3
017.1
018.1
018.2
019.1
020.1
021.1
022.1
023.1
024.1
024.2
025.1
026.1
026.2
027.1
027.2
032.1
034.1
034.2
034.3
035.1
035.2
035.3
037.1
038.1
039.1
040.1
041.1
042.1
042.2
043.1

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

SERVIS ELECTION READINESS CHECKLIST – 2022 GENERAL

Checklist and SERVIS Reports must be sent via email to nmclerks@state.nm.us no later than September 2, 2022

County: Curry

Preliminary Checks:

(Initial here)

AH Verify that county user accounts are accurate (active, inactive, user roles...etc).

AH Verify that users are in current election ("2022 General Election – 11/8/2022").

AH Ensure you have adequate YubiKeys for temporary staff added during the election.[1]

District Review:

(Initial here)

Verify precinct parts to district relationships are correct:

- Check that each precinct part has only one of each type of district (for example a location can only be covered by one soil and water district)
- Please print out and initial the reports found under Reporting > Ballot Proofing:
  - Districts in Precinct Parts.
  - Precinct Parts in Districts. *(This report will need to be printed, each applicable district initialed and sent to BOE via email as soon as practical: nmclerks@state.nm.us).*

Sign and return the "District Review Attestation of Compliance" *(This item requires notarization; it will need to be completed and returned to the BOE, along with the Precinct Parts in Districts report as soon as practical: nmclerks@state.nm.us).*

Election Set-Up:

(Initial here)

AH Enter "County Races" > Elections > Ballot Management. *if DA should be removed - no candidates*

- This includes single-county legislative districts (multi-county legislative districts are added by SOS).

Verify that polling place to precinct relationships are correct:

- Only polling places with at least one precinct assigned are in use for this election.
- Use the following report to verify all precinct relationships are correct:
  Reporting > Ballot Proofing >
  - Polling Place - Tabulator - Precinct; ✓
  - Polling Place - Voting Method Precinct; ✓ and
  - Polling Place - Voting Method. ✓
- Spare locations should be associated with all precincts in the county. ✓

AH Verify that polling place information is correct:

- Each polling place should be marked as one of the following: Absentee Site, Early Site or Election Day Site.
- If you have polling locations on Native American reservations, indicate that as well.
- Dates and Hours of Operation are configured/listed.
- Create a spare location for Absentee, Early and Election Day.[2]
- Export is available on the master Polling Place Page if desired.
- Verify that all applicable EV/ED polling locations have the SDR box checked under Master List of Polling Places page.
- If applicable, verify mail-only precincts are flagged as mail only and ensure that those precincts are added in EV and ED polling locations.

AH Ensure tabulator configuration is correct:

- Counting group assignments match the linked polling location's counting group.[3]
- Device type (~~ICE~~ / ICC) is correct (very important for proper card programming).
- Spares are right for your plan (spare cards & tabulators /~~2nd set of cards for all tabulators~~). [4]
- Use the following report to verify all Tabulator and Precinct relationships are correct: Reporting > Ballot Proofing: Polling Place – Tabulator – Precinct or Precinct – Polling Place – Tabulator.

AH Verify races and candidates are correct:

- Verify each and every candidate (name, last name, suffix) – aligns with the VR records as of the date the proclamation was published (January 31, 2022). ✓
  - Verify candidate information and spelling is correct; refer to Section 1-10-6, NMSA 1978. ✓
- Ensure all candidates have been qualified (not in a pending status). ✓
- For county races and single-county races, ensure all candidates have been assigned a ballot order. (Ballot order for multi-county races will be completed by SOS).
- Verify race order is correct. ✓
- Use the candidate portal as an additional way to verify the candidate: https://candidateportal.servis.sos.state.nm.us/CandidateList.aspx?eid=2782&cty=99

AH Ballot questions are complete and correct (English and Spanish).

- Verify each word of each question including punctuation, dollar signs, and commas to ensure it is correct.
- Question titles should be unique (i.e. if you have two or more bond questions, they cannot all be titled "General Obligation Bond").
- Questions are in proper sequence (lowest sequence number will be listed first on ballot).
- Sequence numbers for county questions are between 915 and 975.[9]
  - NOTE: For multi-county questions, counties will need to work with each other to ensure that the proper sequencing is applied.
- The ballot question(s) will need to be manually entered in both English and Spanish.
- In Spanish, an upside-down question mark should be added at the beginning of the question.
- If the text is copied and pasted into the question box, remove any extra spaces. (Best Practice: Copy text submitted into a word document/text file to remove extra spaces and odd formatting).

- The choice (for/against; yes/no) should not go in the question box.
- No quotation marks should appear in the text boxes.
- The question should not appear in all caps.

AH Verify Ballot content by precinct by using the Ballot Proof Lookup tool in SERVIS > Elections> Ballot Lookup Tool.

AH Create "Ballot Styles" (SERVIS > Ballot Management > Ballot Styles > Create Ballot Styles[5]).

- If you see blank styles, there are precinct parts that are not associated with the proper precinct.

AH Verify ballot content by precinct (SERVIS > Elections > Ballot Proof Lookup)

AH Verify that polling places on the public "Voter Information Portal" (VIP) are correct:

- Spot check until you are comfortable.
- Note: Any notes added in "Special Instructions" will be visible to the public.

AH SDR Readiness:

- Ensure you have all links related to SDR.
  - SAME DAY REGISTRATION SUBMISSION: https://portal.sos.state.nm.us/SDRApp/loginpage.aspx
  - SAME DAY REGISTRATION AUDIT TRAIL https://portal.sos.state.nm.us/sdrshow/
- In Clerk's portal, create credentials for all of your county SDR users: https://portal.sos.state.nm.us/ClerksPortal/LoginPage.aspx?ReturnUrl=%2fClerksPortal%2fDefault.aspx
- Update the list of users that will receive SDR email notifications.

Upon review of all items above, complete the following tasks:

Lock your Election in SERVIS > Export Ballot Styles & Lock Election:

- Lock Election and Release information to VIP will lock Ballot Management;
- Lock Districts and Precincts for Election will lock Manage District and Precincts Parts Assignment.
- Lock Polling Places for Election will lock Master list of Polling Places, Assign Precincts and Polling Places Districts and Precincts;
- Lock tabulators for Election will lock all tabulators.

Not locking until DA issue is resolved. AH

AH Mock Election Readiness: Informational Note.

- Mock Election[6] Webinar; Invite will come via email/calendar invite.
  - Round 1: Tentatively scheduled for the week of October 3, 2022.
  - Round 2: Tentatively scheduled for the week of October 10, 2022.
  - Round 3: Tentatively scheduled for the week of October 17, 2022.
- Verify you have access to the Clerk's Portal to report any issues related to Mock Election
- NOTE: County will need to upload RTR report- Election Summary to Clerk's portal.
  - Laptop, USB and passwords should all be tested as part of mock election, in preparation for election night uploads.

Other Checks

AH Verify access to Dominions' Dropbox site for election project delivery.

_____ Post-Mock election: Check-in with BOD vendors to confirm that test data has been cleared from their systems prior to the start of voting.

n/a Ensure systems that need to be connected to each other (ICE to BOD) are connected.

_____ Ensure that tabulator serial numbers are entered in Clerks Portal.

AH Ensure that you discuss your early vote counts[7] with your BOD vendor.

For problems, please contact the SOS at ***nmclerks@state.nm.us***

NOTES:

1. Additional YubiKeys may be purchased. See the Help Menu in SERVIS for more information
2. Assumes that spare plan will include spare tabulators that are able to be rapidly deployed to any polling place when needed.

   !!! Important !!!

   When a spare tabulator is deployed, it should be deployed based on counting group. (i.e. Early spares to Early Sites, Election Day spares to Election Day Sites, etc.). Crossing of counting groups can easily happen and will affect difficulty of canvass; review these items thoroughly before you lock your election.

   !!! Important !!!
3. SERVIS does not catch mismatches between Polling Place Counting Group and Tabulator Counting Group at this time.
4. Best practice is to program distinct spare tabulators and NOT rely on a second set of cards for an existing tabulator.
5. Ballot styles may be rerun as often as necessary to check for the expected output until the election is locked.
6. Mock election ballot proofing will be done in SERVIS. Mock election reporting will still be done via the Clerk's Portal.
7. During the election, EV #'s will be reported by BOD vendors or entered manually by County Clerk Staff. Ensure this process is in place with each of your vendors.
8. Question sequence numbers 900 – 914 and 976 – 999 are reserved for State-Level questions.

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, September 6, 2022 2:48 PM
To: SOS CLERKS EMAIL
Subject: CURRY | BOD Order Form
Attachments: BOD_OrderForm_Curry.pdf

Please see attached.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 GENERAL ELECTION CHECK-IN STATION ORDER FORM

COUNTY:	Curry		
Projected Ballot Size:	14" Single	**2018 General Actuals:**	18
Vendor:	AES	**2022 BOD Formula:**	18

Check-In Station Calculations

Ballot on Demand Systems

Absentee BOD Systems:	2
Early Voting BOD Systems:	4
Election Day ONLY* BOD Systems:	21
Total Number of BOD Systems:	27

Same Day Registration Systems

Early Voting SDR Systems:	3
Election Day ONLY* SDR Systems:	9
Total Number of SDR Systems:	9

Sample Ballot Systems

Early Voting Sample Ballot Systems:	2
Election Day ONLY* Sample Ballot Systems:	4
Total Number of Sample Ballot Systems:	4

Other Systems

Total Number of Other Systems (Please Explain Below):	

Notes: North Plains Mall serves as both an EV and ED location. When ordering from AES, we requested 2 EV systems at mall, and 3 for ED.

Sample Ballot System at North Plains Mall EV can serve for that site on ED, and, the sample ballot system at the Clerk's Office can be deployed to an election day site; This is reflected in "Total" requested.

For SDR, we can reassign 3 of the EV SDR tablets to ED locations; this is reflected in "Total" SDR requested.

*Robis and AES deploy EV BOD to ED at no additional cost, so these should not be counted in the ED allotment.

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, November 15, 2022 4:24 PM
To: SOS CLERKS EMAIL
Cc: Adrian Ancira
Subject: Curry Canvass Certificate
Attachments: Curry 2022 General Election Certificate of Canvass.pdf

Please see attached.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

CERTIFICATION OF CANVASS RESULTS

We, the undersigned Board of County Commissioners acting as the Board of Canvassers of Curry County, State of New Mexico, canvass the General Election held in said county, November 8, 2022, certify that the canvass results text file sent to the Office of New Mexico Secretary of State is a correct canvass of returns of said election.

WITNESS the Honorable Board of County Commissioners, November 15, 2022.

THE BOARD OF COUNTY COMMISSIONERS:

Chet Spear, Chairman

Robert O. Sandoval, Vice Chairman

Thomas W. Martin, III, Member

Seth Martin, Member

Robert Thornton, Member

SEAL

ATTEST:

Annie Hogland, County Clerk

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, November 10, 2022 6:30 PM
To: SOS CLERKS EMAIL
Subject: Curry Canvass Contact / Meeting Date

I will be the point of contact for canvass related questions.

Curry BOCC will meet Tuesday, November 15 at 9:00am.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Tuesday, August 30, 2022 4:58 PM
To: SOS-33 County Clerks; SOS-County Clerks Group
Cc: SOS-Leadership; SOS-Bureau of Elections; Vigil, Mandy, SOS; Lamb, William, SOS; francisco.padilla@dominionvoting.com; David Davoust; Aaron Davis, Robis; Ernie Marquez, AES; Adrian Leyva; Enrique Baca
Subject: [EXTERNAL SENDER] RE: Constitutional Amendments and General Obligation Bonds (2022 General)

Greetings,

In my attempt to multi-task, I made an error; posting should be complete by this FRIDAY, SEPTEMBER 2, 2022. Thank you!

From: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Sent: Tuesday, August 30, 2022 4:29 PM
To: SOS-33 County Clerks <SOS-33CountyClerks@state.nm.us>; SOS-County Clerks Group <SOS-CountyClerksGroup@state.nm.us>
Cc: SOS-Leadership <SOS-Leadership@state.nm.us>; SOS-Bureau of Elections <SOS-BureauofElections@state.nm.us>; Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>; Lamb, William, SOS <William.Lamb1@state.nm.us>; francisco.padilla@dominionvoting.com; David Davoust <ddavoust@robis.net>; Aaron Davis, Robis <adavis@robis.net>; Ernie Marquez, AES <emarquez@electionpeople.com>; Adrian Leyva <ALeyva@electionpeople.com>; Enrique Baca <ebaca@electionpeople.com>
Subject: Constitutional Amendments and General Obligation Bonds (2022 General)

Good afternoon,

Pursuant to 1-16-3(A), NMSA 1978, attached you will find a copy of the statewide Constitutional Amendments and General Obligation Bonds (first and second attachments), along with the chaptered legislation (the other four documents). In accordance with 1-16-4(C), NMSA 1978, please post the proposed constitutional amendments "beginning no later than sixty-seven days prior to the election at which the amendment is to be submitted to the voters of the state for their approval or rejection" (this should be complete no later than ~~Tuesday, September 6~~ Friday, September 2, 2022).

As a reminder, posting is defined in 1-1-15, NMSA 1978.

> **1-1-15. Posting.**
>
> A. As used in the Election Code, "posting" means posting from the date a posting is required until forty-five days after adjournment of the state or county canvassing board or until forty-five days following any recount, contest or other judicial inquiry, whichever is later.
>
> B. A posting as described in Subsection A of this section is satisfied by posting on the website and in a public area in the office of:
>
> (1) the secretary of state, when the secretary of state has the duty to post; or
>
> (2) the county clerk, when the county clerk has the duty to post.

If you have any questions, let us know: nmclerks@state.nm.us. Have a lovely day!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

#

Charlotte Chinana | Deputy Elections Director
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 819-7623 | Desk: (505) 827-3623
charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Monday, November 7, 2022 6:56 PM
To: IT Helpdesk; Todd Ulses
Subject: FB Post - Afternoon of Nov 8
Attachments: election_results_image (1).jpg

If we can post this sometime tomorrow (11/8) in the afternoon, that would be great!

Text:
Unofficial Election Night results can be found at the New Mexico Secretary of State's Website by visiting: https://electionresults.sos.state.nm.us/

In case that doesn't pull a graphic off of the webpage, or if you prefer, I attached a graphic that you can use.

THANK YOU!!!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, October 20, 2022 9:21 AM
To: SOS CLERKS EMAIL; charlotte.chinana@sos.nm.gov
Subject: Fwd: [EXTERNAL SENDER] [Ticket #4889] [EXTERNAL] Business Reply Mail Postage

Good Morning!

Our post office allowed us to get our mail yesterday, but is telling us our annual BRM fees have not been paid. Can you please let me know if there is anything we can do to expedite the process on your end to make sure this gets paid?? We don't want them holding our election mail.

Thank you!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

---------- Forwarded message ---------
From: **NM Clerks** <nm.clerks@state.nm.us>
Date: Fri, Aug 12, 2022 at 11:21 AM
Subject: [EXTERNAL SENDER] [Ticket #4889] [EXTERNAL] Business Reply Mail Postage
To: <ahogland@currycounty.org>

> Ticket was assigned to Charlotte Chinana.
>
> *On Aug 12, 2022 @ 11:21 am, Charlotte Chinana wrote:*
>
> Good morning, Annie --
>
> I sent this over to the finance team to provide some clarity; we'll be in touch as more info becomes available. Thank you!
>
> --
>
> Charlotte Chinana
>
> Deputy Elections Director

Ticket History

On Aug 12, 2022 @ 11:21 am, Charlotte Chinana wrote:

Assigned to Charlotte Chinana.

On Aug 12, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

Attachment:

On Aug 12, 2022 @ 11:17 am, ahogland@currycounty.org wrote:

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

We received the attached notice in the mail regarding the elections BRM. Can you all confirm that this has been taken care of? Or, is this something we need to pay.. We have not done so in the past, but I want to be sure we have no issues receiving elections mail through the BRM.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4889

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Monday, November 14, 2022 11:08 AM
To: Seth Martin
Subject: Fwd: [EXTERNAL SENDER] Fwd: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!
Attachments: image.png; 2022 Fraud.pdf; SOS Communication with Union Co law, Guidlines title page etc.pdf; FIXING NEW MEXICO_221009_164943 (2).pdf; 11-15 Curry Agenda.pdf

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

---------- Forwarded message ---------
From: **Tina Dixon** <tdixon@rooseveltcounty.com>
Date: Mon, Nov 14, 2022 at 11:05 AM
Subject: [EXTERNAL SENDER] Fwd: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!
To: <ahogland@currycounty.org>

---------- Forwarded message ----------
From: Dean Jackson <jacksondean87@yahoo.com>
Date: Nov 14, 2022 9:51 AM
Subject: Fwd: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!
To: Tina Dixon <tdixon@rooseveltcounty.com>
Cc:

Sent from my iPhone

Begin forwarded message:

> **From:** Gretchen Koether <gretchenkoether@yahoo.com>
> **Date:** November 14, 2022 at 8:48:14 AM MST
> **Subject: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!**
> **Reply-To:** Gretchen Koether <gretchenkoether@yahoo.com>
>
> Coming soon to Lea County Commissioners... look for it!
>
> Sent from Yahoo Mail on Android

Sent from Outlook

From: Annette Watson <awatson3@gmail.com>
Sent: Sunday, November 13, 2022 11:30 PM
To: Annette Watson <awatson3@gmail.com>
Subject: Curry County CAN NOT certify our 2022 general election. PLEASE help us tell them they are going to be liable if they do!

Hello Patriots, Certificat

ionofCurry'selectionresultsonagend

a
!

A l l c o m m i s s i o n e r s n e e d t o k n o w , c e r t

i f i c a t i o n o f t h e v o t e t o t a l f r o m a n e l e c t

i o n t h a t w a s c o n d u c t e d (a n d s t i l l - n o t f u

l l y c o u n t e d) o n n o n - c o m p l i a n t e q u i p m e n

t w i l l e x p o s e t h e c o m m i s s i o n e r c o l l e c t i

v e l y a n d i n d i v i d u a l l y t o c r i m i n a l a n d c i

v i l l i a b i l i t i e s : A t t a c h e d t o t h i s e m a i l

...1.) Proof the 2022 Election was stole

n
,
a
g
a
i
n
.
2
.
)
T
h
e
S
O
S
s
a
y
s
t
h
e
m
a
c
h
i
n
e
s
a
r

enotcertified, (knowingly breaking th

elaw.)3.)Proofthemachinesarenotlegal

al.

ACTION Feel free to

PASSATTACHMEN

TS and your PERSONALLETTER to our co

m
m
i
s
s
i
o
n
e
r
s
i
n
N
e
w
M
e
x
i
c
o
!

C
A
L
L

t
h
e
m
,

to ensure they received it.

ATTEND (wi

t
h
s
i
g
n
s
t
h
a
t
s
a
y
D
O
N
O
T
C
E
R
T
I
F
Y
)
t
h
e
i
r
c
a

n
v
a
s
m
e
e
t
i
n
g
,
i
n
P
e
r
s
o
n
o
r
Z
o
o
m
(
i
f
a
v
a
i
l

able).

This is a workweek! It was a State

wide Election that was stolen from Mallo

f

u

s

,

s

o

w

e

m

u

s

t

b

a

n

d

t

o

g

e

t

h

e

r

f

o

r

E

V

E

R

Y
C
O
U
N
T
Y
.

Curry County's "Regular" Commission Meeting **9am**
Tuesday, November 15th 417 Gidding Street, Clovis (Commission Chambers)

Agenda attachment 11-15 Curry... .pdf NOTE: Item VII **Request Approval of 2022 General Canvass Report**

currycounty.org

Please bring your public comment with you.😉
More Info call, County Manager Lance A. Pyle 575-763-6016

Live Meeting LINK: https://www.currycounty.org/open-government/meeting-portal

Be sure to review the....
Last Curry Commission Discussion..
http://currycountynm.iqm2.com/Citizens/Default.aspx click on 'video' for the meeting you would like to view (for finalized minutes click on 'Curry County's Meeting Minutes Page')

Next meeting: Tuesday, December 13th at 9am

Board of County Commissioners

Regular Meeting

Commission Chambers

417 Gidding St. Clovis, NM

November 15, 2022 at 9:00 AM

Final Agenda

I. CALL TO ORDER

Invocation

Pledge of Allegiance

Roll Call

Approval of Agenda

II. RECOGNITION OF VISITORS AND PUBLIC INPUT FOR WHICH NO ACTION WILL BE TAKEN

1. *Public comments will be limited to three minutes per speaker.*
2. *Individuals will be limited to one presentation per meeting, and there will be a maximum of six (6) speakers on each subject.*
3. *To avoid any possible violation of the Open Meetings Act, Commissioners will not respond to comments or answer questions.*
4. *Questions or requests for information **in writing** should be directed to the County Manager during regular business hours.*

III. PRESENTATIONS

1. **Presentation of Anniversary Certificates to County Employees - Chairman Spear and Lance A. Pyle**
2. **Presentation of Retirement Plaque to Marilyn Jesko - Chairman Spear and Lance A. Pyle**

IV. CONSENT AGENDA

Items listed below are recommended by the County Manager for placement on the consent agenda. These items are placed on the agenda so that the Commission, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any proposal does not meet with the approval of all Commission members, or if a citizen so requests, that item will be heard when reached under the regular agenda.

Motion to place indicated items on the consent agenda by unanimous roll call vote.
Motion to approve or acknowledge all items on the consent agenda by unanimous roll call vote.

- ✓ **1. Request Approval to Cancel the Tuesday, December 20, 2022 Commission Meeting - Lance A Pyle**
- ✓ **2. Request Approval to Reschedule the January 10, 2023 Commission Meeting to Thursday, January 12, 2023 at 9:00 a.m. at 417 Gidding Commission Chambers and to Cancel the Tuesday, January 24, 2023 Commission Meeting – Lance A. Pyle**
- ✓ **3. Request Approval of Line Item Transfer Within the Commission Budget Transferring $536.00 From Line Item 401-12-5206 to Line Item 401-12-5305 to Cover Membership Dues for the National Association of Counties - Lance A. Pyle**
- ✓ **4. Request Approval of Accounts Payable Checks #143886 thru #144089; Payroll Checks #54218 thru #54232; Direct Deposit Payroll Checks #72950 thru#73238; for a Total of $1,923,706.48 - Troy Hall**
- ✓ **5. Request Approval of Second Amendment to Inmate Telephone Services Agreement - Lorraine Schlimm**
- ✓ **6. Request Ratification of Application for FY2023-2026 Retired Senior Volunteer Program Totaling $50,000 per Year for Three (3) Years with a 10% Cash Match the First Year, 20% the Second Year and 30% the Third Year - Neicee Bernal**
- ✓ **7. Request Approval of Operating and Use Agreement with Grady Municipal Schools to Provide Services to Decrease Food Insecurity as Permitted by the NM Food Security Grant Awarded to the County - Kristian Price**
- ✓ **8. Request Approval of Application for Work, Excavating, Boring, Cross Cuts or Other Cuts on County Roads from Oscar Renda Contracting (Southland Holdings) for Potholing for Existing Utilities for Curry Road R between Curry Road 14 and Curry Road R, Curry Road R between Curry Road 12 and Curry Road R, Curry Road R between Curry Road 11 and Curry Road R and Curry Road R between Curry Road 15 and Curry Road R - Walon Jones**
- ✓ **9. Request Ratification of Culvert Application/Permit from Katharine Fly for Installation of Culvert on Curry Road K between Curry Road 16 and Curry Road 17 - Walon Jones**

V. REPORTS OF; BOARDS, COMMITTEES, DEPARTMENTS AND PRESENTATIONS

No Actions will be taken on any reports, discussions, or other informational items.

1. Road Department Report - Walon Jones

VI. ACTION ITEMS

1. Request Action on Resolution #2022-95 Authorizing the Submission of an Advanced Transportation Technology Innovation (ATTAIN) Grant Program Application to the U.S. Department of Transportation and Federal Highway Administration - Kristian Price

2. Request Action on Clovis Music Festival Event Partnership – Robyn Snowberger and Ernie Kos

3. **Request Action RFP #2022/23-03 for Vision Insurance and Award of Contract to MetLife - Lorraine Schlimm**

VII. CANVASS BOARD

1. **Request Approval of 2022 General Canvass Report - Annie Hogland**

VIII. ORDINANCES

1. **Request Action on Notice of Intent on Curry County Ordinance 2022-04 an Ordinance Prohibiting the Marketing and Branding of Cannabis Products to Children - Lance A. Pyle**

IX. COUNTY COMMISSIONER'S REPORTS

No Actions will be taken on any reports, discussions, or other informational items.

X. COUNTY MANAGER'S REPORT

No Actions will be taken on any reports, discussions, or other informational items.

XI. INDIGENT BOARD MEETING

1. **Request Approval of Indigent Cremation for Muffley Funeral Home Date of Death September 23, 2022 - Lance A. Pyle**

XII. FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

Next Commission Meeting is Scheduled for Tuesday, December 13, 2022 at 9:00 am

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in a hearing or meeting, please contact the Curry County Manager at 575-763-6016 at least one (1) week prior to the meeting or as soon as practical. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Curry County Manager at 575-763-6016 if a summary or other type of accessible format is needed.

COUNTY COMMISSION STRATEGY – POST 2022 GENERAL [S]ELECTION

BACKGROUND

Citizens of New Mexico and multiple experts have patiently investigated historical election and registration data, our electronic election system, violation of election statutes, and evidence of corruption by the SOS and certain county clerks. We have found mountains of red flags in the data and multiple failures on the part of the SOS to ensure the "the purity of elections [to] guard against the abuse of the elective franchise."[1]

These anomalies are documented in two extensive reports that are published online[2,3] as well as multiple other analysis by citizens that have been given directly to county officials, along with hours of public comments made on the record in county commission meetings across the state.

The 2022 General Election that just transpired shows a continuation of these anomalies and violations of the law. New Mexico can no longer continue to gloss over these issues. They must be dealt with now.

NOVEMBER 8TH, 2022 Election

Voter Intimidation

In the 2022 General Election, multiple violations of the election code were observed and reported. Poll workers intimidated voters concerning the use of their own marking devices, even though doing so is allowed by the SOS's own guidance document. ***See* Figure 1.** Not only are alternative marking devices legal, but poll workers are prohibited by statute from looking at a voter's ballot to determine what marking device the voter used. ***See* NMSA 1-12-59.B**. Additionally, election workers lied to voters about their right to take a picture of their own ballot as expressly provided under **NMSA 1-12-59A,** and incorrectly told voters they could not take their cell phones into the polling place**.**

Moreover, election worker trainees reported that Otero County Clerk, Robyn Homes, directed them to take down names of anyone that used their own marking device and then *refer them to the District Attorney*. A voter in Dona Ana County reported that she was present when a poll worker publicly cussed at and humiliated a voter who had brought their own pen to mark their ballot. Both instances are clear violations of the law and extremely inappropriate conduct for election workers.

[1] **NMSA 1-1-1.1**
[2] https://dow9ovycsk6w7.cloudfront.net/media_items/68749-NM_Voter_Fraud_Report_with_Appendices.pdf?1633970140
[3] https://dow9ovycsk6w7.cloudfront.net/media_items/69241-Otero_County_Audit_Report.pdf?1660596423

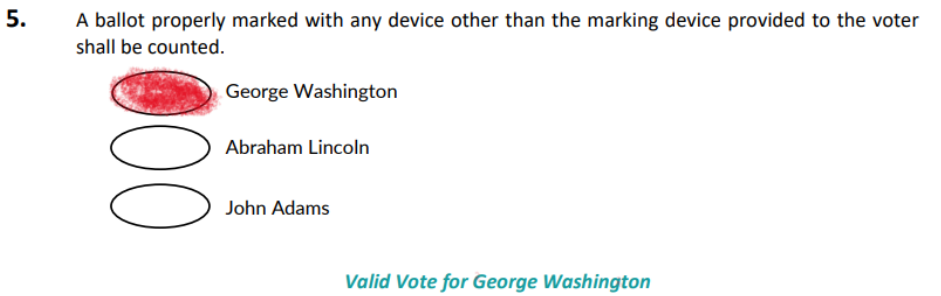


Figure 1. Any Marking Device is Acceptable (from SOS document titled "Determining Voter Intent")

In Torrance County, police officers were sent twice on election day to a polling place that had formed a line. The officers "encouraged" voters to leave and find another polling place without a line. It is unknown how many people felt that a "suggestion" from armed uniformed officers was a mandatory order, and then left the polling place to have possibly never voted. There is legal precedent that this behavior constitutes voter intimidation.

A similar case occurred in New Jersey in 1981 where armed officers appeared at Democrat-leaning polling places and interacted with voters.[4] Having officers present at a polling place was considered to be an act of intimidation so egregious that it resulted in the Republican Party *in every state* entering into a consent decree where they were barred from pursuing election integrity measures for decades without prior approval.[5] The fact that something very similar just happened in a New Mexico County – this time targeting Republican-leaning precincts – should disgust everyone.

These coercive encounters between government employees and voters violate the law.[6]

Pollbook Anomalies and Violation of Process

There was a report of a registered voter going to the polling place and the pollbooks did not have this registered voter in the database. The issue had to be corrected by the clerk. There was a report of poll workers checking in individuals to vote, but the individuals could not provide their own home addresses. The poll workers coached these individuals on what to say so that they could be provided a ballot. In a state without voter ID, individuals not knowing their own registered address, but still acquiring a ballot with the help of an election worker, increases the possibility of identity theft and fraudulent voting. This is unacceptable.

---

[4] en.wikipedia.org/wiki/Ballot_Security_Task_Force#:~:text=The%20suit%20was%20settled%20in%201982%2C%20when%20the,though%20they%20did%20not%20admit%20any%20wrongdoing.%20

[5] www.brennancenter.org/sites/default/files/2020-07/1982%20consent%20decree.pdf

[6] "….coercion of employees, coercion of voters, intimidation or conspiracy to violate the Election Code" are all potentially criminal acts under **NMSA 1-12-59.D.**

Significant Evidence of Manipulation in Election Night Reporting

Initial review of the election data shows that serious anomalies occurred, and the results were not consistent with polling data or registration trends. Since 2008, Democrats have steadily been declining in percentage of registrations, while Republicans have continuously gained registrations. Yet, the 2022 election results showed a net loss of Republican seats from the top to the bottom of the ticket in New Mexico.

Election night data is reported by the SOS and sent to Edison Research which pushes results out to media outlets across the country. Edison data was available for the governor, congressional, attorney general, and secretary of state races. All but one of these races showed serious anomalies consistent with manipulation of the election.

The worst anomalies occurred in the governor's race and two of the three congressional seats. **Figures 2** through **4** show the cumulative vote totals for these races throughout election night and into the afternoon of November 9th.

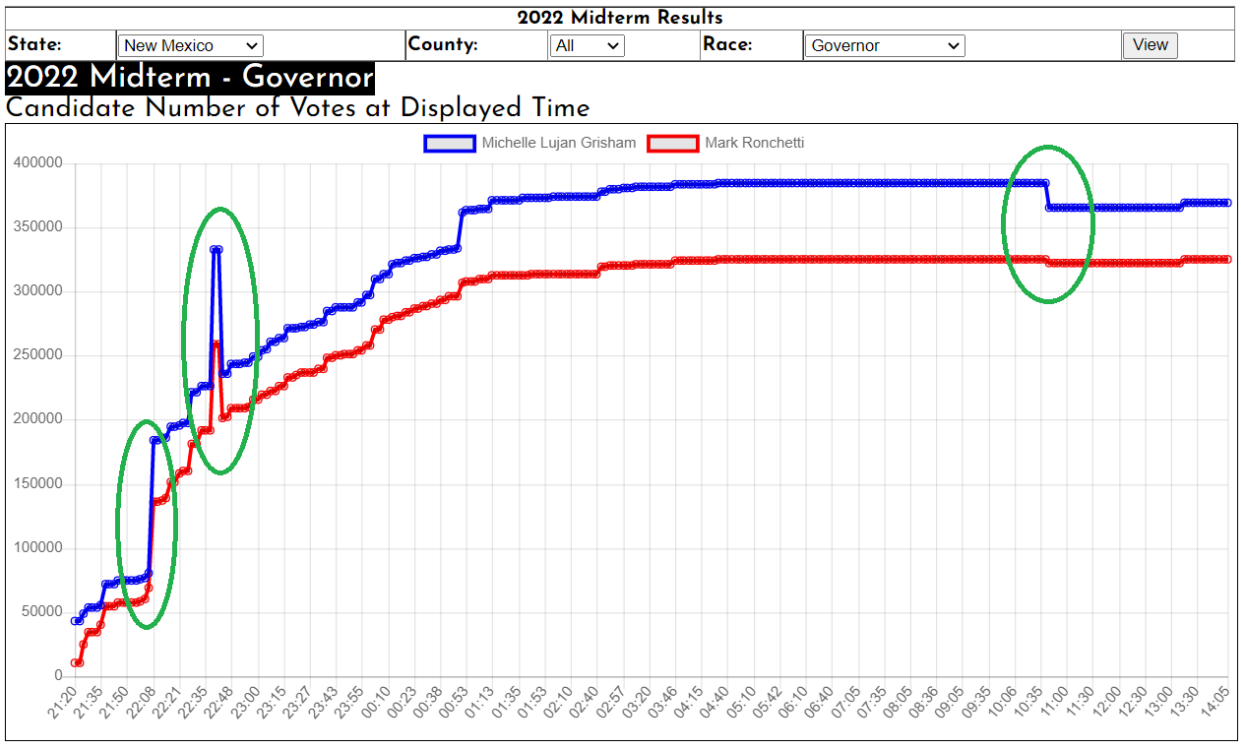


Figure 2. Election Night Reporting for NM Governor's Race

Votes in an additive election process should never decrease. Yet in **Figure 2**, we see that a large upload of votes was added at about 22:38 on November 8th only to be inexplicably removed a few minutes later. Another batch of votes was removed at 10:35 on November 9th. This cannot be explained by a county withdrawing their results to make a correction, because not all statewide races saw these decreases.

There was also an upload of approximately 170,000 votes at 22:08 on November 8th. Before the upload, the margin between the two candidates was narrow, but after the injection the margin had increased significantly in all races. This upload is seen on all down ballot races except Congressional District 3.

This upload may be legitimate if it came from a county that did not have Congressional District 3 on the ballot, such as Bernalillo County. However, the injection of votes represents 25% of the statewide election. Given the number of reports in the record, it is unlikely that such a large number of votes was legitimately reported in a single 3-minute interval. At this time, it is not possible to determine the how concerning this major anomaly is without more information.

Figures 3 and **4** show Congressional House Districts 1 and 2 with multiple impossible anomalies. At about 10:30 on November 9th, thousands of votes were removed from the overall totals for both races. That cannot happen in an honest election.

Equally unexplained, are the large ballot injections that occurred in each of these races on election night. In all cases, the margin between the two candidates were narrowing prior to the injection, only to followed by significant spikes. The injections for Congressional District 1 occurred at 22:08 on November 8th and 00:45 on November 9th. The injections for Congressional District 2 occurred at 21:45, 22:08, and 23:05 on November 8th.

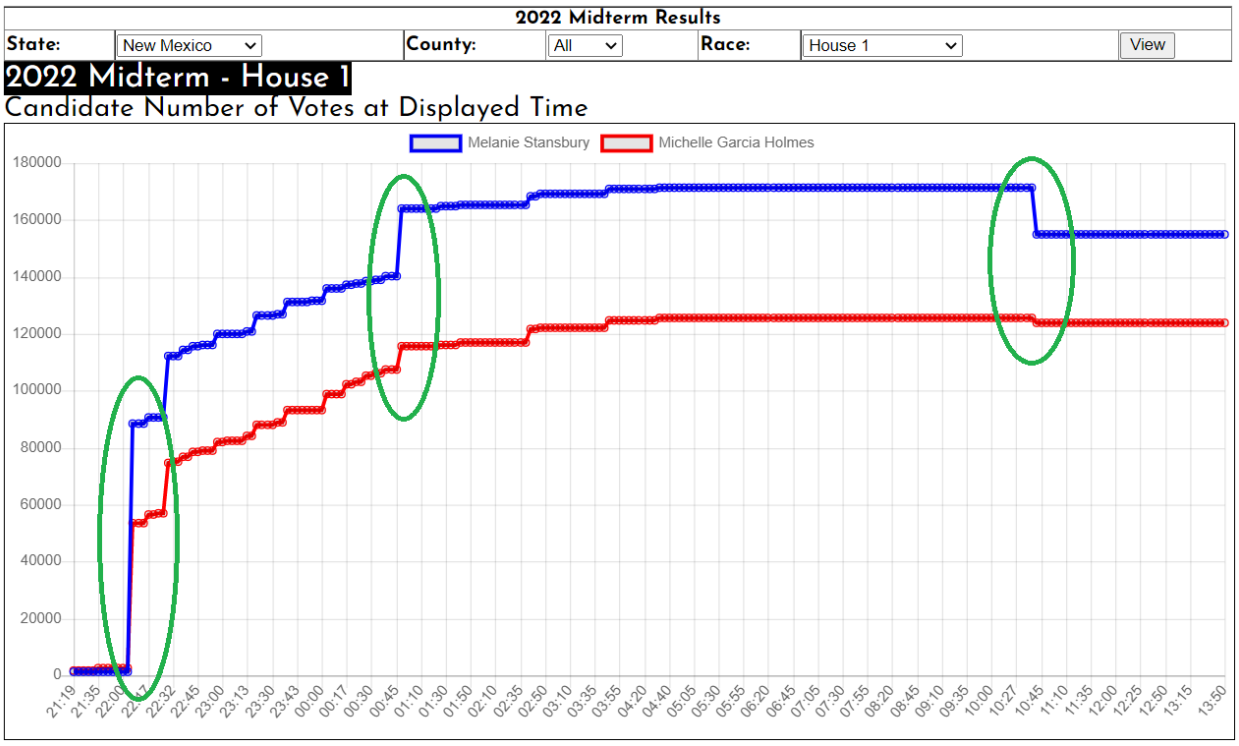


Figure 3. Election Night Reporting for Congressional House District 1

21:58, 23:05

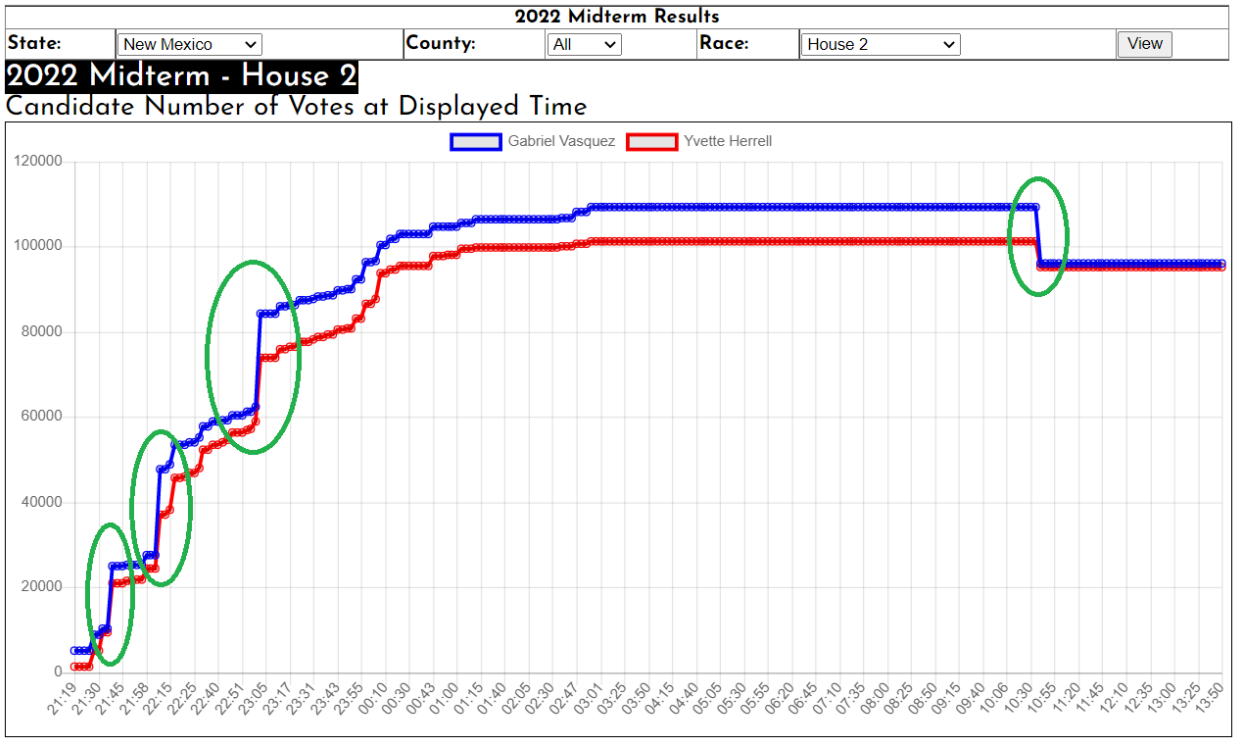


Figure 4. Election Night Reporting for Congressional House District 2

Whatever spin the Secretary of State and clerks may offer, we know these vote injections cannot all be legitimate. Because if the ballot uploads in the congressional races were real, there should be large corresponding increases in the votes for governor, SOS, and AG. The only increase in the congressional races that corresponded to races at the top of the ticket was the 22:08 November 8th upload. The other three large vote increases in the congressional races do not show large corresponding vote increases in the races at the top of the ticket. Therefore, those vote injections are not consistent with legitimate reporting from counties, but are consistent with fraudulent manipulation of these races.

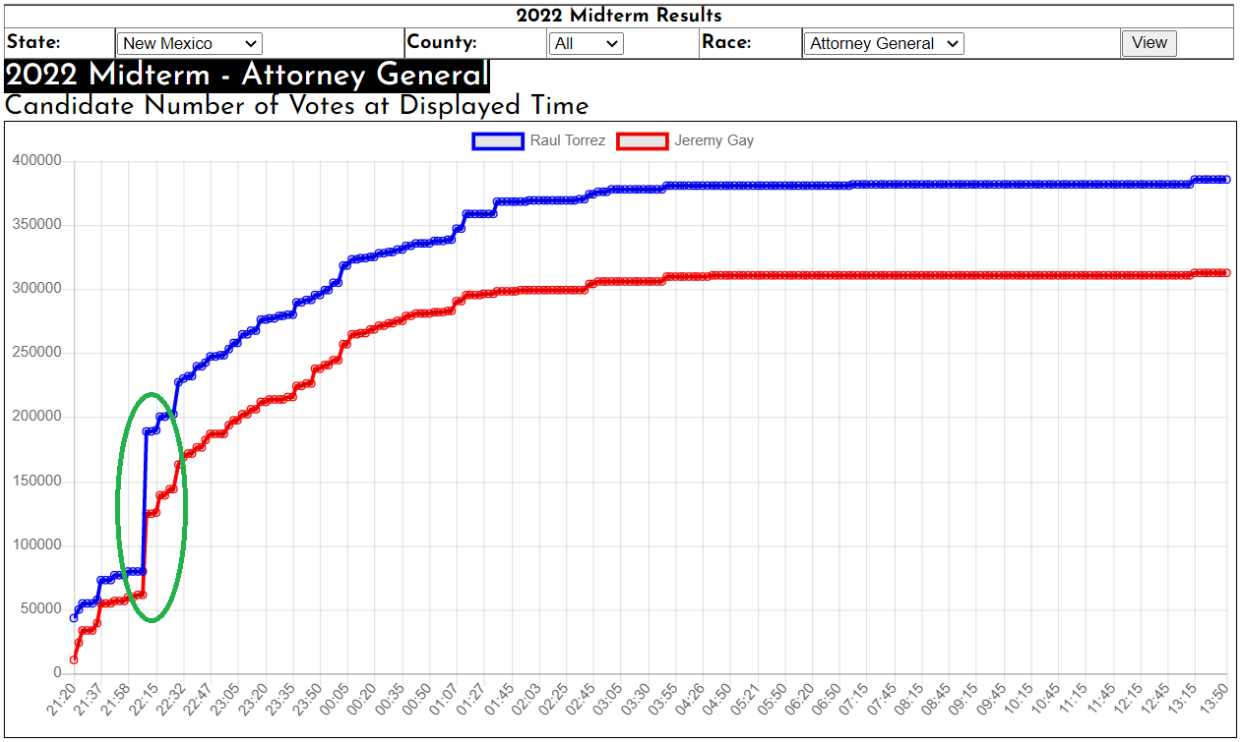


Figure 5. Election Night Reporting for Attorney General

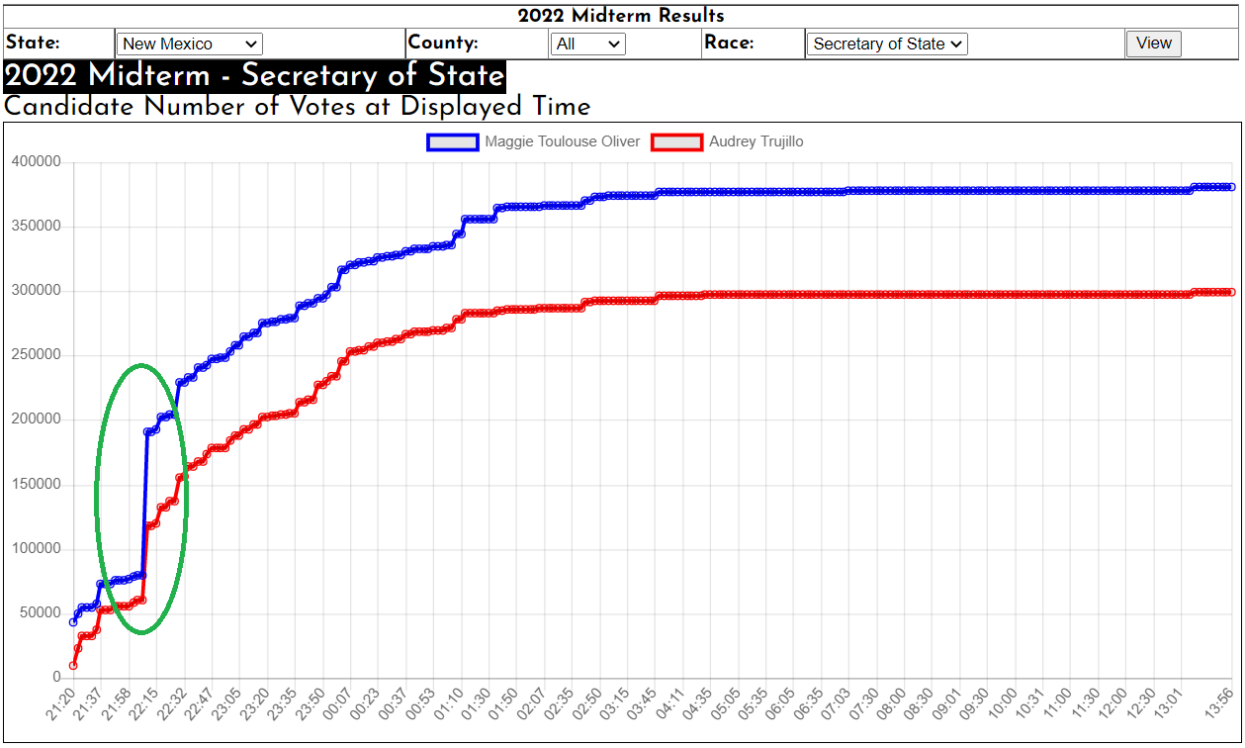


Figure 6. Election Night Reporting for Secretary of State

Figures 5 and **6** show the election night reporting for the attorney general and SOS races respectively. Both races had a large ballot injection at 22:08 that was addressed previously. **Figure 7** shows the vote totals for Congressional District 3. This is the only race that behaves as expected, and does not contain large, suspicious vote spikes, or impossible vote removals.

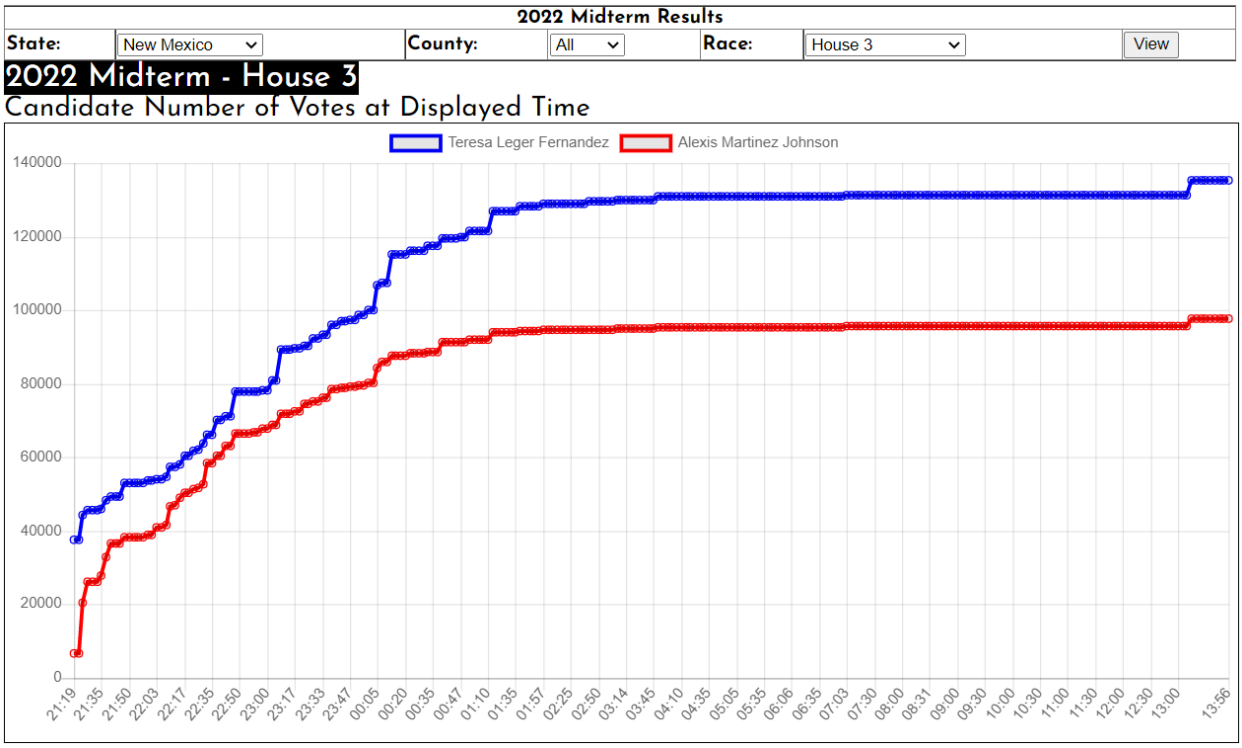


Figure 7. Election Night Reporting for Congressional District 3

ACTION THAT MUST BE TAKEN

Polling data has shown consistently that between 60 and 70 percent of Americans do not trust our election system, expected significant cheating to take place in the 2022 General Election, and do not have confidence in the outcome of our elections. The vast number of documented violations of the law and anomalies in the data in New Mexico, and across the country, will only worsen this crisis of public confidence.

County clerks and county commissioners must now work together to canvass the election results and certify the election before it can be finalized. Both the clerks and the commissioners have the opportunity over the next week and a half to ***review the record and assure the public that the election is correct prior to certification.***

Every citizen that does not trust what they saw on election day, needs to contact their county clerk and county commissioners right now and tell them they want them to take additional care in examination of the election record as they are allowed to do by statute.

The law is very clear that the commission has the authority to review the ***election returns***. Election returns are defined by **NMSA 1-1-8** as follows:

> …"election returns" means the certificate of the precinct board showing the total number of votes cast for each candidate, or for or against each proposed constitutional amendment or other question, ***and may include*** statements of canvass, signature rosters, poll books, tally books, machine printed returns and, in any canvass of returns for county candidates, the original certificates of registration in the possession of the county clerk, together with the copies of certificates of registration in the office of the county clerk (emphasis added).

The words "may include" indicate that this list is not inclusive. There are two additional election records that every county commission must do at least a preliminary analysis on before the results are certified. The first is the **cast vote record**. This is a single electronic file that summarizes the entire election in the county. Evidence of ballot stuffing and machine manipulation can be found quickly if it is there. This record does not contain any identifying voter information. It was directed to be created by the National Institute of Standards and Technology so that election officials ***and the general public*** could review it.[7]

The second record the clerks and commissioners need to check is the voter history in the registration database. They need to verify that the number of voters in each precinct in the database matches the reported number of votes cast in each precinct by type of vote (election day, early, and absentee). This exercise is mentioned specifically in **NMSA 1-13-5.A(3)**.

If there are red flags in either of these two records, then the clerk and county commission must ***ensure the canvass is correct before proceeding to certification*** (**NMSA 1-13-5.c**)**.** The only way to genuinely assure the public that the canvass is correct is to do a full hand recount of the paper ballots. The ballots themselves could also be considered "election returns" as defined by statute since they are part of the election record.

SUMMARY

Flood your county commissioners and county clerks with emails and phone calls requesting these two things be performed as part of the county canvass because of the anomalies already apparent in the election results:

1. Provide the Cast Vote Record to a competent individual for analysis to look for evidence of ballot stuffing or machine manipulation. A preliminary analysis can be completed in a matter of hours by someone who knows what they're looking for.
2. Ensure that the number of votes by precinct and vote type in the election results reconcile with the voter history in the registration database.

If any anomalies in 1 or 2 are found, then demand a full hand recount of the election prior to certification. The clerks and commissioners have the authority to grant these requests. We must hold them accountable and assure them that they will have our support if they take these steps to protect the people of New Mexico and our confidence in our elections.

[7] nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1500-103.pdf, Section 1.2

FIXING NEW MEXICO'S ELECTIONS

INTRODUCTION

Citizens of New Mexico and national experts have gone to great lengths to study and document manipulation, vulnerabilities, and fraud in our elections. Examples:

- Election Fraud in New Mexico: https://tinyurl.com/mwtkbhwv
- Otero County Audit Report: https://tinyurl.com/mfacpzpp

But for some reason, our election officials just can't bring themselves to understand or accept the evidence of fraud and manipulation. So, let's give them an easier way to get on the side of the majority of New Mexicans who know there is something seriously wrong with our election system. We will do this using only official documents published by the NM Secretary of State and the Federal Election Assistance Commission (EAC).

CERTIFICATION STANDARD & PROCESS

State law requires the election system comply with the latest federal standard for election systems called the Voluntary Voting System Guidelines (VVSG). To get an election system certified, accredited testing labs must test the current version of the software and hardware being used to determine whether an election system meets the standard.

In 2021, the New Mexico Secretary of State was supposed to re-certify the electronic voting system used in New Mexico, which includes the voting machines, county election management system, epollbooks, and ballot printing system. State statutes require that any system which is not in compliance with the most recent federal standard be decertified (see **NMSA 1-9-7.4(B)**).

DOMINION VOTING SYSTEM IS NOT CERTIFIED

To prove their certification, Dominion Voting Systems pays a testing lab to run a series of tests on their tabulators and election management system to determine if they meet federal standards. The testing lab writes a "test report" with its findings, and that report is used by the SOS to show the equipment meets federal standards.

ProV&V was the testing lab chosen by Dominion. Their accreditation certificate from the EAC is included as **Reference 1**. Note that the expiration date of their accreditation was February 24, 2017:

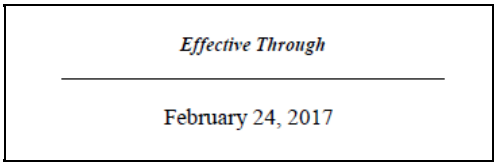


Figure 1. Expiration of ProV&V's Accreditation (see Reference 1)

Now let's look at the test report for the Dominion Voting System we use in New Mexico. The cover page is included as **Reference 2**. Note that the date the test report was published was August 24, 2017 – six months after the expiration of the lab's accreditation:

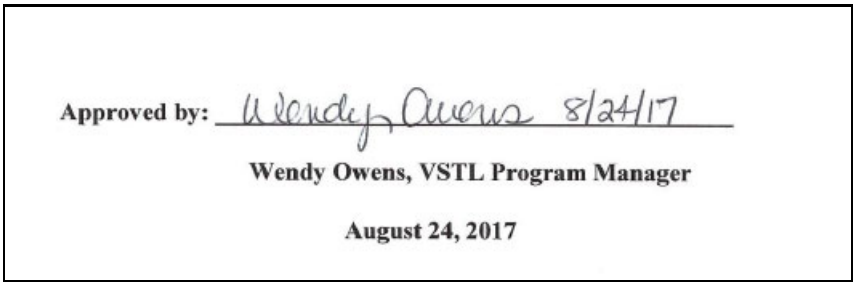


Figure 2. Date of Test Report for Dominion Voting Systems (see Reference 2)

This means that ProV&V improperly conducted the testing of New Mexico's election system since they weren't accredited when they were testing the system. Both Dominion and New Mexico election officials failed to do due diligence to ensure ProV&V was accredited. The test report should never have been accepted.

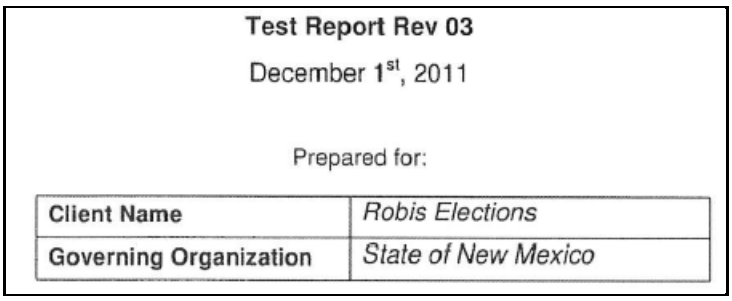
But it gets worse. This lapse in accreditation wasn't even noticed by the election system vendors, the testing labs, the EAC, or any elected officials for ***four years.*** On March 10, 2020, the president of ProV&V wrote a letter to the EAC asking to get reaccredited (**Reference 3**). It took the EAC ***eleventh months*** to respond and re-accredit ProV&V (**Reference 4**). ***The entire certification process for one of our most important national assets – the election system – was allowed to completely lapse for five years***.

There is no profession or industry in existence who would not face serious consequences for a similar breach in a process meant to protect the American people. Improperly providing services or manufacturing products where a certification, license, or accreditation is supposed to be in place would lead to jail time, fines, and loss of careers for anyone else. But when the election system vendors, the EAC, and election officials failed to maintain the lawful certification structure for the election system, they have faced no consequences whatsoever. Neither have they made any effort to remedy this serious lapse which affected most of the states in the country. This gross negligence on the part of the EAC, testing labs, and election system vendors breaks trust, destroys voter confidence, and should not be tolerated by New Mexicans.

By law, the election system must be decertified. We must hand count ballots within individual counties. The electronic voting system vendors and the people who are supposed to oversee them cannot be trusted.

EPOLLBOOKS AREN'T CERTIFIED OR EVEN CERTIFIABLE

The electronic pollbooks/ballot printing system (epollbooks) also require certification. The epollbooks are provided by two companies: Automated Election Services and ROBIS. The certification situation for them is even worse than for the Dominion tabulators. The test report the SOS claims certifies the epollbooks and ballot printers is dated December 1, 2011:


Test Report Rev 03

December 1st, 2011

Prepared for:

Client Name	*Robis Elections*
Governing Organization	*State of New Mexico*

Figure 3. Test Report (see Reference 5)

The problem with the eleven-year-old test report is that ***the software on the epollbooks is updated multiple times per year***. The epollbook vendor confirmed that the software used in New Mexico is automatically distributed over the internet to all the epollbooks when it becomes available like a web-based application used on smartphones.

There is no possible way that the SOS can claim that the ePollbooks and ballot printing systems are certified if they have gone through dozens of iterations of software since they were last tested. The VVSGs explicitly state "After a system has completed initial certification testing, further examination of the system is required if modifications are made to hardware, software, or telecommunications."[1] No state can legally use any product in their election system that is automatically updated over the internet without testing and buy-in from individual jurisdictions.

In addition to being uncertifiable, the ePollbooks are extremely vulnerable because they are internet connected. By monitoring the ePollbooks, it would be possible to determine who has cast a ballot, estimate the outcome, and determine which votes could be borrowed from those who haven't yet voted. The official ballots could also be obtained through this system and printed illegally.

THE STATE'S OWN POST-ELECTION AUDITS PROVE DOMINION TABULATORS FLIP VOTES

State and federal law allow for a maximum of error in election machines of 1 in 125,000 votes, or 0.0008%. This error rate is based on accuracy that had already been achieved using scanning technology in the early 2000's when the federal code governing electronic voting was written. It is an achievable goal. However, based on the post-election audits performed by the New Mexico SOS, our machines come nowhere near meeting this limit.

The post-election audits performed by the SOS involve selecting a limited number of counties, and a limited number of precincts within those counties. A tiny fraction of ballots from those selected precincts are pulled, and a few of the races on them are hand counted. Then those ballots are run through a tabulator and the results of the hand count are compared to the tabulator count. ***In every one of the post-election audits, tabulators were found to miscount and flip votes.***

[1] www.eac.gov/sites/default/files/eac_assets/1/28/VVSG.1.1.VOL.1.FINAL1.pdf, Section 4.3.3

Table 1 shows a summary of the results of the Risk Limiting Audits (RLA) performed after every election since 2012. [2] The "Number of Errors" in the table are the number of errors made by the machines on this tiny subset of ballots that were examined across the state.

Table 1. Summary of Official Risk Limiting Audits Since 2012

Election	Number of Errors	Error Rate	Number of Times Error Exceeds the Legal Limit*
2012 General	77	0.213%	266
2014 General	4	0.081%	101
2016 General	5	0.094%	118
2018 General	52	0.254%	318
2020 General	116	0.134%	168

*Per NM State Law, 0.0008% is the maximum allowable error rate

Based on the allowable error rate and the extremely small number of ballots included in the post-election audits – the audits must show zero error to meet state and federal law. But from the table, even the extremely limited RLAs performed by the SOS consistently show error rates hundreds of times higher than are allowable by law, but the SOS has made no effort to determine why these errors are occurring. The machines do not meet the minimum requirements of the election code and must be decertified as a matter of law.

COMMISSIONERS AND COUNTY CLERKS HAVE A DUTY TO FIX THE PROBLEM

Since the SOS has failed to do her duty to provide a properly certified electronic system that complies with state and federal law, individual county elected officials cannot continue to certify election machines and election results unless the ballots are counted in a trustworthy manner. Counties must use existing hand counting procedures to hand count their elections. They must also work together to hold the SOS accountable for failing to do her duty. (See **NMSA 1-20-15, 1-20-22**).

[2] www.sos.state.nm.us/voting-and-elections/voter-information-portal/election-audits-2/

REFERENCE 1

United States Election Assistance Commission

Certificate of Accreditation

Pro V&V, Inc.
Huntsville, Alabama

is recognized by the U.S. Election Assistance Commission for the testing of voting systems to the 2005 Voluntary Voting Systems Guidelines under the criteria set forth in the EAC Voting System Testing and Certification Program and Laboratory Accreditation Program. Pro V&V is also recognized as having successfully completed assessments by the National Voluntary Laboratory Accreditation Program for conformance to the requirements of ISO/IEC 17025 and the criteria set forth in NIST Handbooks 150 and 150-22.

Effective Through

February 24, 2017

Date: 2/24/15

Acting Executive Director, U.S. Election Assistance Commission

EAC Lab Code: **1501**

REFERENCE 2

Test Report

Dominion Voting Systems
Democracy Suite (D-Suite) System
Version 5.4-NM
Certification Testing

Approved by: Jack Cobb FOR
Michael Walker, VSTL Project Manager

Approved by: Wendy Owens 8/24/17
Wendy Owens, VSTL Program Manager

August 24, 2017

REFERENCE 3

Pro V&V, Inc.
6705 Odyssey Drive, Suite C
Huntsville, AL 35806

March 10, 2020

Jerome Lovato, Testing and Certification Director
U. S. Election Assistance Commission
Voting System Testing and Certification Program
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Re: Letter of Agreement

Dear Mr. Lovato,

The undersigned representative of Pro V&V, Inc.(hereinafter "Laboratory"), being lawfully authorized to bind Laboratory and having read the EAC Voting System Test Laboratory Program Manual, accepts and agrees on behalf of Laboratory to follow the program requirements as laid out in Chapter 2 of the Manual. Laboratory shall meet all program requirements as they relate to NVLAP accreditation; conflict of interest and prohibited practices; personnel policies; notification of changes; resources; site visits, notice of law suits; testing, technical practices and reporting; laboratory independence; authority to do business in the United States; VSTL communications; financial stability; and recordkeeping. Laboratory further recognizes that meeting these program requirements is a continuing responsibility. Failure to meet each of the requirements may result in the denial of an application for accreditation, a suspension of accreditation or a revocation of accreditation.

Sincerely,

Jack Cobb, President
Pro V&V, Inc. Laboratory Director
256.713.1111
jack.cobb@provandv.com

REFERENCE 4

U.S. ELECTION ASSISTANCE COMMISSION
633 3rd St. NW, Suite 200
Washington, DC 20001

FROM: Jerome Lovato, Voting System Testing and Certification Director

SUBJECT: Pro V&V EAC VSTL Accreditation

DATE: 1/27/2021

Pro V&V has completed all requirements to remain in good standing with the EAC's Testing and Certification program per section 3.8 of the Voting System Test Laboratory Manual, version 2.0:

> ***Expiration and Renewal of Accreditation.*** *A grant of accreditation is valid for a period not to exceed two years. A VSTL's accreditation expires on the date annotated on the Certificate of Accreditation. VSTLs in good standing shall renew their accreditation by submitting an application package to the Program Director, consistent with the procedures of Section 3.4 of this Chapter, no earlier than 60 days before the accreditation expiration date and no later than 30 days before that date. Laboratories that timely file the renewal application package shall retain their accreditation while the review and processing of their application is pending. VSTLs in good standing shall also retain their accreditation should circumstances leave the EAC without a quorum to conduct the vote required under Section 3.5.5.*

Due to the outstanding circumstances posed by COVID-19, the renewal process for EAC laboratories has been delayed for an extended period. While this process continues, Pro V&V retains its EAC VSTL accreditation.

REFERENCE 5

Test Report

State of New Mexico Ballot on Demand Testing Program

Test Report Rev 03

December 1st, 2011

Prepared for:

Client Name	*Robis Elections*
Governing Organization	*State of New Mexico*

Prepared by:

216 16th St.
Suite 700
Denver, CO 80202
303-575-6881
www.SLIGlobalsolutions.com

NVLAP LAB CODE 200733-0

Accredited by the National Institute of Standards and Technology (NIST) National Voluntary Lab Accreditation Program (NVLAP), and accredited by the Election Assistance Commission (EAC) for VSTL status.

Curry County Manager	Lance A. Pyle	lpyle@currycounty.org	575-763-6016
Curry County Commission	Robert O. Sandoval Dis 1	bsandoval@currycounty.org	575-763-5823
Curry County Commission	Tom Martin Dis 2	tmartin@currycounty.org	NO Number to Report
Curry County Commission	Chet Spear Dis 3 Chair	cspear@currycounty.org	575-791-5688
Curry County Commission	Seth Martin Dis 4	cccd4martin@gmail.com	575-763-6016
Curry County Commission	Robert Thornton	rthornton@currycounty.org	575-714-4122
Curry County Clerk	Annie Hogland	ahogland@currycounty.org	575-763-5591

brenda.green@unionnm.us

From: ToulouseOliver, Maggie, SOS <Maggie.TOliver@state.nm.us>
Sent: Thursday, July 21, 2022 1:25 PM
To: Green1, Brenda; Vigil, Mandy, SOS
Cc: Harkins, Mary Lou
Subject: RE: [EXTERNAL] Dominion machines in compliance with EAC standards prior to 2022 Primary

Hey there, thanks for the follow up!

So, picking apart the concerns you raised a little bit:

1) Yes, I think we can confidently say they were certified prior to the Primary of '22. Not only did we follow the statutory quadrennial state certification process, you can always talk about how your machines (all the machines) are pre-certified using the logic and accuracy test, in a public and transparent way, prior to every election. So we aren't taking for granted that just because they counted the results correctly in the last election that they will again. And as you know, we do that before we use them in every election.

2) The issue with 2.0 is that even though the standards have been approved, or "adopted" by the EAC, they are not in effect. I will send you some info from EAC about how this process works. The EAC adopts the standards, then they go through a process of having the independent test labs (VSTLs) become certified to be able test to that standard. Currently, there are *no* test labs in the country that are certified to do that testing. They are all in the process of working toward certification.

3) Third, there are currently *no* voting systems in the country that are certified to 2.0 because as (see #2) they cant even test to that standard yet.

The EAC calls this "implementation lag," so even though the standards were adopted, they're not yet in effect because of #2 and #3 above. Does that make sense?

I hear you loud and clear on a request to cover this in more depth at election school, and I'm hoping maybe we can bring someone from the EAC out specifically to talk about the 2.0 issue.

I'll try and gather some more info for you and keep you updated on the election school idea!

Thanks so much, Brenda,

Maggie

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Maggie Toulouse Oliver | Secretary of State
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Follow us on Facebook + Twitter

The 2010 amendment, effective March 3, 2010, in the catchline, after "technicians", deleted "approval of contracts"; deleted former Subsection A, which provided that the secretary of state shall approve all arrangements between a county and a voting system technician based on the adequacy of the training and expertise of the technician and the reasonableness of the compensation for the services based on the type of election and number of systems used; in Subsection A, after "technicians shall be", added "trained and"; after "and expertise on", deleted "electronic"; and after "voting systems", added "certified for use in the state"; added Subsection B; in Subsection C, after "means any person who", deleted "programs, clears, inspects, repairs electronic" and added "is trained and certified to program, inspect, properly store and troubleshoot"; and at the end of the sentence, deleted "for compensation"; and in Subsection D, after "shall adopt rules", deleted "governing the use, maintenance and repair of electronic voting systems" and added the remainder of the sentence.

The 2001 amendment, effective June 15, 2001, substituted "voting system" for "voting machine" throughout the section; deleted the provisions that specified compensation amounts for voting system technicians in Subsection A; and deleted "lever voting machines and" preceding "electronic voting systems" in Subsections B, C and D.

The 1991 amendment, effective April 2, 1991, in Paragraph (2) of Subsection A, inserted "for programming" and "lever-type voting" in the first sentence and added the second and third sentences.

1-9-14. Voting systems; authority of the secretary of state to test; certification.

A. The secretary of state shall provide for the testing and evaluation of voting systems designed for the purpose of recording and tabulating votes within polling places in New Mexico. All voting systems certified for use in the state shall be tested by an independent authority and shall comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.

B. Any person who has a voting system that is designed for the purpose of recording and tabulating votes within a polling place may apply on or before June 1 of any odd-numbered year to the secretary of state to have the equipment examined and tested for certification. At the time application is made for initial certification, the applicant shall pay for testing each system in an amount that reflects the actual cost of such test. Upon receipt of the application, the secretary of state shall examine and study the voting system to ensure that it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission. As part of the examination, the secretary of state shall require the system to be independently inspected by persons or testing laboratories technically qualified to evaluate and test the operation and component parts of voting systems and shall require a written report on the results of such testing. The secretary of state may authorize field testing of the equipment in one or more polling places in any state or local government election; provided that such field tests shall be conducted at no cost to the state or any local government.

C. Upon completion of all tests and examination of all written test reports, the secretary of state shall make a written report of the result of the findings and shall file that report, together with the written test reports, in the office of the secretary of state and post them on the secretary

of state's website. The secretary of state shall accept public comment during the twenty-one days following the filing of the written report.

D. Following the period of public comment, the secretary of state shall submit the filed reports and any public comments for consideration by the voting system certification committee. The voting system certification committee shall make recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code.

E. The voting system certification committee shall recommend that a voting system be certified for use in the state only if it complies with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission.

F. If the voting system certification committee report finds that the voting system does not comply with all requirements in the Election Code or does not meet federal election standards, the secretary of state shall allow thirty days for an appeal of the findings to be filed or for the deficiencies to be corrected, following which the secretary of state shall report back to the voting system certification committee with a written final report.

G. The voting system certification committee shall reconvene to consider the final report of the secretary of state and shall make final recommendations regarding the suitability and reliability of the use of such equipment in the conduct of elections under the Election Code.

H. If the voting system certification committee recommends that the voting system is suitable for use in elections in New Mexico, within thirty days of receiving the recommendation, the secretary of state shall certify or recertify the equipment for use in elections in this state.

I. If the voting system certification committee does not recommend that the voting system for recording and tabulating votes is suitable for use in elections in New Mexico, within thirty days of receiving the recommendation, the secretary of state shall deny the application or decertify the equipment for use in elections in this state.

History: Laws 1983, ch. 226, § 1; 1989, ch. 297, § 1; 1991, ch. 106, § 7; 2001, ch. 233, § 9; 2010, ch. 28, § 17; 2017, ch. 101, § 13.

ANNOTATIONS

The 2017 amendment, effective June 16, 2017, removed the deadline by which tests and inspections of voting systems must be completed; and in Subsection B, deleted "These tests and inspections shall be completed within six months of the date of application.".

The 2010 amendment, effective March 3, 2010, in the catchline, deleted "Computer voting devices" and added "Voting systems" and after "test;", added "certification"; in Subsection A, in the first sentence, deleted "Notwithstanding any other provision of the Election Code"; after "testing and evaluation of", deleted "internal computers" and added "voting systems"; and added the second sentence; in Subsection B, in the first sentence, after "Any person who has", deleted "an internal computer which" and added "a voting system that" and after "examined and tested", added "for certification"; in the second sentence, after "application is made", added "for initial certification"; in the third sentence, after "examine and study the", deleted "computer" and after "voting system" added the remainder of the sentence; in the fourth sentence, after "operation

and component parts of", deleted "an internal computer for recording and tabulating votes" and added "voting systems"; and in the fifth sentence, after "in one or more", deleted "precincts" and added "polling places"; in Subsection C, in the first sentence, after "findings and shall", deleted language that required the secretary of state to submit a report of the findings to a committee composed of the secretary of state, the state chief information officer and a county clerk appointed by the governor and added the remainder of the sentence; and added the second sentence; deleted former Subsection D, which provided that if the committee approves the use of internal computers, then the secretary of state shall prescribe specifications for internal computers designed to provide a system of recording and tabulating votes to secure the integrity of the ballot; in new Subsection D, added the first sentence; in the second sentence, after "The", added "voting system certification"; and deleted the former second sentence, which provided that the report shall be a public record; added Subsections E, F and G; in Subsection H, after "If the", added "voting system certification"; after "committee recommends that the", deleted "internal computer for recording and tabulating votes" and added "voting system"; after "suitable for use in", deleted "polling places for the conduct of"; after "New Mexico,", deleted "such" and added "within thirty days of receiving the recommendation, the secretary of state shall certify or recertify the"; after "recertify the equipment", deleted "shall be deemed approved"; and at the end of the sentence, deleted "no later than January 1 of the succeeding year"; and added Subsection I.

The 2001 amendment, effective June 15, 2001, substituted "system" for "machine" throughout Subsection A; and substituted "state chief information officer" for "director of the information systems division of the general services department" in Subsection B.

The 1991 amendment, effective April 2, 1991, in Subsection A, rewrote the third sentence which read "At the time application is made, the applicant shall pay to the secretary of state an examination fee of two thousand five hundred dollars ($2,500) per machine to be tested", deleted "and examination fee" following "application" in the fourth sentence, deleted the former sixth sentence which read "The application fee shall be used to pay for the cost of such testing" and, at the beginning of the present sixth sentence, substituted "The secretary of state may" for "In addition, the secretary of state shall".

Applicability of Procurement Code. — This section does not bar application of the Procurement Code, 13-1-28 to 13-1-199 NMSA 1978, to the purchase of internal computers used to record and tabulate votes, and the Procurement Code applies to such devices so used after November 1, 1984. 1988 Op. Att'y Gen. No. 88-68.

1-9-15. Repealed.

History: 1953 Comp., § 1-9-15, enacted by Laws 1985, ch. 207, § 14; 1989, ch. 297, § 2; 1991, ch. 106, § 8; 2001, ch. 233, § 10; 2003, ch. 356, § 25; repealed by Laws 2010, ch. 28, § 22.

ANNOTATIONS

Repeals. — Laws 2010, ch. 28, § 22 repealed 1-9-15 NMSA 1978, as enacted by Laws 1985, ch. 207, § 14, relating to electronic recording and tabulating voting systems, effective March 3, 2010. For provisions of former section, *see* the 2009 NMSA 1978 on *NMOneSource.com*.

1-9-16. Repealed.

Voluntary Voting System Guidelines VVSG 2.0

Requirements for the Voluntary Voting System Guidelines 2.0

February 10, 2021

Prepared for the ***Election Assistance Commission***

At the direction of the
Technical Guidelines Development Committee

Test Report

Dominion Voting Systems
Democracy Suite (D-Suite) System
Version 5.4-NM
Certification Testing

Approved by: _____
for
Michael Walker, VSTL Project Manager

Approved by: Wendy Owens 8/24/17
Wendy Owens, VSTL Program Manager

August 24, 2017

v. TR-01-02-DVS-016.01

ANNOTATIONS

Emergency clauses. — Laws 2010, ch. 28, § 24 contained an emergency clause and was approved March 3, 2010.

1-9-7.4. Voting systems; authority of the secretary of state to recertify and decertify.

A. Each voting system certified for use in the state shall be reviewed for recertification by the secretary of state during the year following a presidential election. Tests and inspections conducted pursuant to this section shall begin no later than June 1 and shall follow the procedures in Section 1-9-14 NMSA 1978.

B. If at any time the secretary of state becomes aware that a voting system certified for use in this state does not comply with all requirements in the Election Code [Chapter 1 NMSA 1978] or meet federal election standards, the secretary of state shall undertake an investigation to determine if the voting system should continue to be certified for use in the state. Tests and inspections conducted pursuant to this section shall commence upon the order of the secretary of state and shall follow the procedures in Section 1-9-14 NMSA 1978. A voting system that does not comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted by the United States election assistance commission shall be decertified for use in this state.

History: Laws 2010, ch. 28, § 2.

ANNOTATIONS

Emergency clauses. — Laws 2010, ch. 28, § 24 contained an emergency clause and was approved March 3, 2010.

1-9-7.5. Voting systems; voting system certification committee; members.

A. The "voting system certification committee" is created. The committee shall review written test reports and the findings of the secretary of state on the certification, recertification and decertification of voting systems for use in elections in the state.

B. The voting system certification committee shall be composed of:

(1) the secretary of information technology or the secretary's designee from within the department of information technology; and

(2) four additional members as follows:

(a) one member appointed by the president pro tempore of the senate;

(b) one member appointed by the minority floor leader of the senate;

(c) one member appointed by the speaker of the house of representatives; and

Immediately upon the time of the closing of the polls, the election judges and presiding judge, in the presence of those lawfully permitted to be present, shall publicly destroy all unused paper ballots.

History: 1953 Comp., § 3-12-97, enacted by Laws 1977, ch. 222, § 66; 2009, ch. 150, § 27.

ANNOTATIONS

The 2009 amendment, effective June 19, 2009, after "Immediately upon", added "the time of"; after "closing of the polls", deleted "and before any ballot box is unlocked"; and after "unused", deleted "emergency".

Am. Jur. 2d, A.L.R. and C.J.S. references. — Treatment of excess or illegal ballots when it is not known for which candidate or on which side of a proposition they were cast, 155 A.L.R. 677.

1-12-64. Repealed.

History: 1953 Comp., § 3-12-98, enacted by Laws 1977, ch. 222, § 67; repealed by Laws 2009, ch. 150, § 37.

ANNOTATIONS

Repeals. — Laws 2009, ch. 150, § 37 repealed 1-12-64 NMSA 1978, as enacted by Laws 1977, ch. 222, § 67, relating to emergency situations, the county clerk and destruction of unused emergency paper ballots, effective June 19, 2009. For provisions of former section, *see* the 2008 NMSA 1978 on *NMOneSource.com*.

1-12-65. Emergency situations; paper ballots; counting and tallying procedures.

A. The presiding judge and the election judges, assisted by the election clerks, shall count the number of paper ballots that were not tabulated by the electronic vote tabulator, write the number of such ballots on each copy of the certificate of returns for that polling place and place the paper ballots that were not tabulated by the electronic vote tabulator in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for machine-tabulation or hand-tallying of the ballots.

B. The presiding judge and the election judges, assisted by the election clerks, shall count the number of machine-tabulated paper ballots with write-in votes, write the number of such ballots on each copy of the certificate of returns for that polling place and place those paper ballots with write-in votes in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for manual counting of the write-in votes.

C. The tallying of paper ballots that were not tabulated by the electronic vote tabulator at the polling place and the counting of ballots with write-in votes shall be in accordance with procedures prescribed by the secretary of state.

History: 1953 Comp., § 3-12-99, enacted by Laws 1977, ch. 222, § 68; 1991, ch. 105, § 37; 2009, ch. 150, § 28; 2019, ch. 212, § 117.

ANNOTATIONS

Cross references. — For marking emergency paper ballots, see 1-12-53 NMSA 1978.

The 2019 amendment, effective April 3, 2019, revised the procedure for counting paper ballots when the paper ballots were not tabulated by the electronic vote tabulator; in Subsection A, after "shall count", deleted "and tally", after the next occurrence of "the", added "number of", after "electronic vote tabulator", deleted "and certify the results of the election on the form on the tally sheet setting opposite the name of each candidate in figures the total number of votes cast for the candidate, and they shall set forth in the spaces provided therefor the total number of votes cast for and against each constitutional amendment and other questions. Paper ballots not marked as required by the Election Code shall not be counted. The precinct board shall sign the tally sheet certificate" and added "write the number of such ballots on each copy of the certificate of returns for that polling place and place the paper ballots that were not tabulated by the electronic vote tabulator in an envelope provided for that purpose. The envelope shall not be locked in the ballot box but shall instead be transmitted directly to the county clerk for machine-tabulation or hand-tallying of the ballots."; added a new Subsection B and redesignated former Subsection B as Subsection C; and in Subsection C, deleted "counting and", and after "paper ballots", deleted "in an emergency situation" and added "that were not tabulated by the electronic vote tabulator at the polling place and the counting of ballots with write-in votes".

The 2009 amendment, effective June 19, 2009, in Subsection A, after "tally the", deleted "emergency"; after "paper ballots", added "that were not tabulated by the electronic vote tabulator"; and at the beginning of the second sentence, deleted "Emergency"; and in Subsection B, after "tallying of", deleted "emergency"; and after "paper ballots", added "in emergency situations".

The 1991 amendment, effective April 2, 1991, in Subsection A, in the first sentence, substituted "on the tally sheet" for "in the tally books", deleted "words and" following "candidate in" and substituted "and against" for "or against" near the end and, in the third sentence, substituted "sheet" for "books".

Am. Jur. 2d, A.L.R. and C.J.S. references. — 26 Am. Jur. 2d Elections § 385 et seq.

Excess or illegal ballots, treatment of, when it is not known for which candidate or upon which side of a proposition they were cast, 155 A.L.R. 677.

29 C.J.S. Elections §§ 221 to 240.

1-12-66. Paper ballots; signature rosters, checklist of voters and tally sheets; disposition.

A. After all certificates have been executed, the presiding judge and the two election judges shall place the checklist of voters and one copy of the certificate of returns in that polling place

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Monday, August 22, 2022 8:51 AM
To: SOS CLERKS EMAIL
Subject: Fwd: [EXTERNAL SENDER] RE: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Error in 9th Judicial DA

Just sending my weekly email following up to see if there is any update on this...

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

---------- Forwarded message ---------
From: **Annie Hogland** <ahogland@currycounty.org>
Date: Fri, Aug 12, 2022 at 3:19 PM
Subject: Fwd: [EXTERNAL SENDER] RE: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Error in 9th Judicial DA
To: SOS CLERKS EMAIL <nmclerks@state.nm.us>

I still haven't heard anything on this, so I wanted to check in and see what the status is. I have also not heard from the candidate, but he reported to the newspaper he would still appear on the ballot.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

---------- Forwarded message ---------
From: **Annie Hogland** <ahogland@currycounty.org>
Date: Tue, Jul 5, 2022 at 4:33 PM
Subject: Re: [EXTERNAL SENDER] RE: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Error in 9th Judicial DA
To: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>, Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>, Lange, Dylan, SOS <Dylan.Lange@state.nm.us>

Good Afternoon,

My apologies, apparently service was worse than I thought it would be. Mr. Stover came into the office while I was out on Friday. He was instructed to contact your office.. As far as an update, that's what we have. When media reached out to me Friday, I briefly mentioned I was of the understanding he would be coming in to file on June 30, but may have misunderstood the process. Although, I am still of the understanding that the guidance provided in the email above, referencing 1-8-7 (C) was the process to be followed in this situation.

Can you please let me know if you have spoken with the candidate, and if so, was that original guidance correct?

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Fri, Jul 1, 2022 at 11:50 AM Romero, Charles, SOS <Charles.Romero@state.nm.us> wrote:

> Hello Mandy and Charlotte (CC: Annie and Dylan),
>
> I received a phone call from Ms. Annie in Curry County, and she had some questions about this particular candidate. The below candidate did not file yesterday in Curry County and Annie asked if there is another deadline the candidate/county central party has to file for this candidate or was yesterday "the day" that the candidate needed to file. Annie is disconnected from email at the moment but will weigh in when she gains access shortly.
>
> Thank you,
>
> STATE OF NEW MEXICO
> **MAGGIE TOULOUSE OLIVER**
> SECRETARY OF STATE
>
> **Charles Romero | Elections Program Coordinator**
>
> New Mexico Office of the Secretary of State
>
> 325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
>
> Cell: (505) 819-7628 | Desk: (505) 827-3634
>
> Charles.Romero@state.nm.us

From: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Sent: Friday, March 11, 2022 2:03 PM
To: Romero, Charles, SOS <Charles.Romero@state.nm.us>
Cc: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>; Hogland, Annie <ahogland@currycounty.org>
Subject: FW: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Error in 9th Judicial DA

Hi Charles,

Please remove this candidate from the ballot management screen. They will not run in the primary election.

Thanks,

Mandy

From: Annie Hogland <ahogland@currycounty.org>
Sent: Friday, March 11, 2022 1:16 PM
To: Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us>
Cc: Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us>
Subject: [EXTERNAL] Re: [EXTERNAL SENDER] Proclamation Amendment: Error in 9th Judicial DA

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

Good Morning,

Thank you for the update. We marked him as qualified in SERVIS, but have not sent any type of notification (mail/ verbal/ or electronic), nor assigned a ballot order.

Can I please have some guidance for the following?

Do we mark him "disqualified" in SERVIS, or, shall the race be entirely removed from ballot management? If it is to be removed, can we do that on our end?

Shall we send him a letter reiterating the above statute? Or is that something that will come from SOS?

Thank you,

Annie Hogland

Curry County Clerk

417 Gidding, Suite 130

Clovis NM 88101

(575) 763-5591

(575) 763-4232 (fax)

On Fri, Mar 11, 2022 at 1:07 PM Vigil, Mandy, SOS <Mandy.Vigil@state.nm.us> wrote:

> Hi Annie,
>
> We have discovered that the 9th judicial district attorney office was included in the amended proclamation when it should not have been, as it was not officially vacant until 3/1. The candidate, Brian Stover cannot qualify for candidacy on the primary election ballot. Although the general election proclamation contains offices to be elected at the general election pursuant to NMSA 1-8-13(B), only vacancies occurring the Friday before the first Tuesday in March, which was February 25, 2022, were to be included in the general election proclamation and included on the primary election ballot under NMSA 1-8-16 and 1-8-7 (A)(3). This office was included in the Amended General Election Proclamation in error. This vacancy which occurred on March 1, 2022, after February 25, 2022, must be filled subsequent to the primary election by the central committees of the state political parties, in compliance with NMSA 1-8-7 (C).
>
> I apologize for the confusion this may have created. Please feel free to call me with any questions.
>
> Thanks,
>
> Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Desk: 505.827.3617 | Cell: 505.660.4045

mandy.vigil@state.nm.us

Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, September 8, 2022 10:38 AM
To: IFrazier@electionpeople.com
Subject: Fwd: Curry - 2022 General BOD/ SDR Order
Attachments: BOD_OrderForm_Curry (1).pdf

Hey there!

Just using this email to keep it all together. I have attached the BOD order form sent to SOS.

Thank you!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

---------- Forwarded message ---------
From: **Annie Hogland** <ahogland@currycounty.org>
Date: Tue, Aug 16, 2022 at 11:06 AM
Subject: Curry - 2022 General BOD/ SDR Order
To: <IFrazier@electionpeople.com>
Cc: Eli Lovato <elovato@electionpeople.com>, Adrian Ancira <aancira@currycounty.org>

Good Morning!

Sorry for the delay.. The image from the questionnaire is really blurry, so I am typing out all the info, I hope that's okay.

ABS | Clerk's Office | 2 Systems - Wired

Early Voting - 2 Locations Total (our office and alternate) | 4 Systems Total
EV | Clerk's Office | 2 Systems - Wired
Alternate EV | North Plains Mall | 2 Systems - Please bring MiFi!!! We continue to have issues with the wired connection and would prefer a mifi - plus we will need it for the BOD. We may need 2... I know last year it was getting bogged down with the BOD's AND the SDR...

ED - 9 Locations Total - 23 Systems Total**
Clovis Community College | 4 Systems- Wireless
La Casa Senior Center | 2 Systems- Wireless
North Plains Mall | 3 Systems- Wireless / Wired.. see above** one more system than EV, but if it's easier to set up all 3 during EV, we can, but only utilize the 2 EV requested.
Farmers Electric | 4 Systems- Wireless
Curry Road Barn | 2 Systems- Wireless -- Please bring MiFi if possible!
Pleasant Hill Fire Dept | 2 Systems- Wireless
Grady Senior Center| 2 Systems- Wireless

Melrose City Hall | 2 Systems- Wireless
Texico Community Center | 2 Systems- Wired (LONG CABLE NEEDED)

Deliver and Pick-up of BODs:
Requesting set-up on Monday (Nov 7): Road Barn, Clovis Community College, and Farmers
If that is too much for Monday, Farmer's Electric site can be set up Friday.
The other sites can be set up Friday. If you need an additional day for setup (Thursday) we prefer to do Pleasant Hill, Melrose, and or Texico, as those are the *easiest* sites to work with.

If possible, and as always, we ask that we get deliveries as close to election day as possible. The locations that we would like to push to the last minute are Farmers, Community College, and the Road Barn. Those same locations we ask are picked up first, even if we need to store systems here at our office until they can be taken back to ABQ.

Be advised, some places require advance notice for access, or, close for lunch, close early, etc. As we get closer and you have a tentative itinerary, please let me know and we can work out details! Plus, we can work to get tables and things set up plenty of time ahead for you.

MiFi - 1 for alternate EV at Mall, and 5 total for election day (Mall again, Road Barn, La Casa, CCC, and Texico). This worked well for SDR during the Primary. **If we can't get that quantity, please let me know so I can acquire them.**

SDR Tablets:
Early Voting - 3 (2 for Clerk's Office, 1 for Mall)
Election Day - 9 (If we need to reassign some from early voting, we can do that again, like we did during the primary)

As far as training, we will not require a system or any assistance, however, if we could get our **Election Day BOD manuals** (requesting 45) **BEFORE** training that would be great! Training is scheduled for Nov 1 and Nov 2.

Supplies have been ordered.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

2022 GENERAL ELECTION CHECK-IN STATION ORDER FORM

COUNTY:	Curry		
Projected Ballot Size:	14" Single	**2018 General Actuals:**	18
Vendor:	AES	**2022 BOD Formula:**	18

Check-In Station Calculations

Ballot on Demand Systems

Absentee BOD Systems:	2
Early Voting BOD Systems:	4
Election Day ONLY* BOD Systems:	21
Total Number of BOD Systems:	27

Same Day Registration Systems

Early Voting SDR Systems:	3
Election Day ONLY* SDR Systems:	9
Total Number of SDR Systems:	9

Sample Ballot Systems

Early Voting Sample Ballot Systems:	2
Election Day ONLY* Sample Ballot Systems:	4
Total Number of Sample Ballot Systems:	4

Other Systems

Total Number of Other Systems (Please Explain Below):	

Notes: North Plains Mall serves as both an EV and ED location. When ordering from AES, we requested 2 EV systems at mall, and 3 for ED.

Sample Ballot System at North Plains Mall EV can serve for that site on ED, and, the sample ballot system at the Clerk's Office can be deployed to an election day site; This is reflected in "Total" requested.

For SDR, we can reassign 3 of the EV SDR tablets to ED locations; this is reflected in "Total" SDR requested.

*Robis and AES deploy EV BOD to ED at no additional cost, so these should not be counted in the ED allotment.

curryelections@currycounty.org

From: Lance Pyle <lpyle@currycounty.org>
Sent: Friday, November 4, 2022 11:19 AM
To: S Martin; Chet Spear; Robert Thornton; Bobby Sandoval; Tom Martin
Cc: Daniel Macke; Annie Hogland; Adrian Ancira; Melynda Crouch
Subject: Letter from NMSOS re Election Certification
Attachments: Ltr to County Commissions on Election Certifciation_Final.pdf

Chairman Spear and Commissioners:

FYI

Lance A. Pyle
Curry County Manager

From: Romero, Theresa, SOS <Theresa.Romero@sos.nm.gov>
Sent: Friday, November 4, 2022 11:05 AM
To: Baca, Julie <jmorgasbaca@bernco.gov>; stan.brown@catroncountynm.gov; Williams, Bill <bill.williams@chavescounty.gov>; Fletcher, Kate <kate.fletcher@co.cibola.nm.us>; mgore@co.colfax.nm.us; Pyle, Lance <lpyle@currycounty.org>; Lucero, Amanda <amandal4@plateautel.net>; Macias, Fernando <fernandom@donaanacounty.org>; Davis, Allen <ardavis@co.eddy.nm.us>; cwebb@grantcountynm.gov; diana.urban@guadco.us; Villarreal, Victoria <v.villarreal@hardingcounty.org>; Green, Tisha <tisha.green@hidalgocounty.org>; Gallagher, Michael <mgallagher@leacounty.net>; Pearson, Ira <IPearson@lincolncountynm.gov>; Lynne, Steven <steven.lynne@lacnm.us>; Brice, Chris <chris_brice@lunacountynm.us>; Dimas, Anthony <adimas@co.mckinley.nm.us>; Barela, Temarah <tbarela@countyofmora.com>; Heltner, Pamela <pheltner@co.otero.nm.us>; Daniel, Daniel <daniel.zamora@quaycounty-nm.gov>; Sanchez, Lucia <lucia.sanchez@rio-arriba.org>; Hamilton, Amber <ahamilton@rooseveltcounty.com>; Stark, Mike <mstark@sjcounty.net>; Ansley, Joy <jansley@co.sanmiguel.nm.us>; Johnson, Wayne <wjohnson@sandovalcountynm.gov>; Shaffer, Gregory <gshaffer@santafecountynm.gov>; avaughan@sierraco.org; Hawkes, michael <mhawkes@co.socorro.nm.us>; Jaramillo, Brent <brent.jaramillo@taoscounty.org>; Barela, Janice <jbarela@tcnm.us>; Thompson, Brandy <brandy.thompson@unionnm.us>; Monette, Danny <danny.monette@co.valencia.nm.us>
Cc: Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov>
Subject: [EXTERNAL SENDER] Letter from NMSOS re Election Certification

Good morning,

This letter is being sent on behalf of the Secretary of State. She respectfully asks that you please distribute it to your County Commissioners as soon as reasonably possible.

Thank you for your attention to this matter.

Best,

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Theresa Chávez-Romero|Executive Assistant to SOS Toulouse Oliver
New Mexico Office of the Secretary of State
325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
Cell: (505) 490-2599 | Desk: (505) 827-3628
theresa.romero@sos.nm.gov
Follow us on Facebook + Twitter

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

November 4, 2022

Via Electronic Mail Only, County Managers for Distribution

Re: Certification Guidance for the 2022 General Election

County Commissions:

In an effort to uniformly administer the 2022 General Election, we want to take the opportunity to clarify the role that the County Commissions have in approving the report of the canvass return and declaring the results of the election for the upcoming election.

To begin with the board of county commissioners is *ex officio* the county canvassing board in each county. NMSA 1978, § 1-13-1(A). The County Canvassing Board ("Board") is responsible for supporting the county clerk in the canvass of the election. The Board does not canvass the election or prepare the report of canvass of the election returns. The Board's main responsibility is to ensure timely certification of the report of canvass.

If the Board determines, or more likely is made aware by the clerk, that there is an error in the election returns based on the report of canvass prepared by the county clerk, the Board must follow the statutory procedure, which consists of aiding the clerk in ensuring the clerk is provided all the election returns necessary produce the report of the canvass. "Election returns" is a defined term in the election code. It is defined as:

> [t]he certificate of precinct board showing the total number of votes cast for each candidate, or for or against each proposed constitutional amendment or other question, and may include statements of canvass, signature rosters, poll books, tally books, machine printed returns and, in any canvass of returns for county candidates, the original certificates of registration in the possession of the county clerk, together with the copies of certificates of registration in the office of the county clerk.

NMSA 1978, Section 1-1-8. It is important to note that actual ballots are not part of the definition of "election returns" and, therefore, the Board does not examine actual ballots, in this process. If an error is found the Board must immediately issue a summons directed to the precinct board if:

> (1) it appears on the face of the *election returns* that any certificate has not been properly executed;
> (2) it appears that there is a discrepancy within the *election returns;*
> (3) it appears that there is a discrepancy between the number of votes set forth in the certificate for any candidate and the number of electors voting as shown by the *election returns;*
> or
> (4) it appears that there is any omission, informality, ambiguity, error or uncertainty *on the face of the returns.*

NMSA 1978, Section 1-13-5(A). The election code limits the Board to examine only the "election returns" when finding errors. After issuing the summonses, the Board still *must* proceed with the canvass of all correct election returns, as its duty is to find errors, not correct them. § 1-13-5(C). Additionally, if an error is found and a summons is directed to the precinct board, the Secretary of State must also be notified. NMSA 1978, § 1–13–6. Finally, the Board *must* meet to approve the report of the canvass of the returns and declare the results no sooner than six days and no later than ten days from the date of the election. Though, if a county has more than one hundred and fifty thousand voters, the Board is allowed an addition three days to approve the report of the canvass. If you have any questions about the Board's role, please do not hesitate to reach out to our office.

Respectfully,

Maggie Toulouse Oliver
Secretary of State

Mandy Vigil
State Elections Director

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Friday, October 7, 2022 12:20 PM
To: SOS CLERKS EMAIL
Subject: Local Election / Municipalities

Good Morning,

I know we are in the middle of an election.... but I have an opt-out municipality requesting more info on the RLE... I let them know I would reach out as far as the deadline to adopt and file an ordinance with your office, so if you can please let me know, that would be great!

Also, if you have any literature on that (current or previous) to share, we would appreciate it!

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, December 1, 2022 1:47 PM
To: NM Clerks
Subject: Re: [EXTERNAL SENDER] [Ticket #4833] [EXTERNAL] MVD Registration

Thank you Charles! We appreciate you looking into it, if there was some type of misunderstanding, etc , maybe we can learn from it.

Thanks again,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Thu, Dec 1, 2022 at 12:07 PM NM Clerks <nm.clerks@sos.nm.gov> wrote:

> *On Dec 01, 2022 @ 12:06 pm, Charles Romero wrote:*
>
> Annie,
>
> Let me see if we have any way of obtaining the screenshots of the process people take when they are at the MVD. Maybe this might help us better understand what happened.
>
> Ticket History
>
> ---
>
> *On Dec 01, 2022 @ 11:55 am, Charles Romero wrote:*
>
> Assigned to Charles Romero.
>
> ---
>
> *On Nov 02, 2022 @ 08:58 am, Daniel Aragon wrote:*
>
> Unassigned.
>
> ---
>
> *On Aug 09, 2022 @ 04:57 pm, ahogland@currycounty.org wrote:*
>
> We assisted the voter's daughter in cancelling the record. Will there be any follow-up with the MVD, locally or at the state level from your office? Have any procedures or software changes that we need to be made aware of?
>
> This is a serious issue, which is why I reported it.
>
> Annie Hogland

Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Aug 09, 2022 @ 04:08 pm, Felecia Valdez wrote:

Hello-

Sorry for the delayed response. Did you still need assistance at this time?

Thank you

On Jul 28, 2022 @ 01:40 pm, Charlotte Chinana wrote:

Assigned to Felecia Valdez.

On Jul 28, 2022 @ 01:39 pm, ahogland@currycounty.org wrote:

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

We had a concerned voter call this afternoon, and I wanted to see if you could follow up with MVD regarding the situation.

The voter stated she assisted her grandmother at the MVD to get an ID card; unfortunately, her grandmother is suffering from dementia, and she is the POA.

She said she DID NOT request registering her grandmother to vote, and was shocked when they received a Voter ID Card in the mail, which included a political party. Please see voter ID 160299515.

Of course, we have assisted her in getting a voter registration cancellation form. However, we too share concerns with how this was handled at the MVD. The voter was registered on 6/6/22 at Clovis, NM MVD (Agency Code 05A).

If you recommend I contact a supervisor there, or in SF with MVD, please let me know.

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101

(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/4833

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, September 27, 2022 4:03 PM
To: NM Clerks
Subject: Re: [EXTERNAL SENDER] [Ticket #5099] [EXTERNAL] UOCAVA / Online AV Request

Something needs to be done. I provided some ideas in the pdf with possible solutions.. Have there been any discussions about this? Do you all plan on coming up with a solution for this issue? If so, I'm assuming there is not a plan for this election, but we have brought up this concern for a few elections now.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Tue, Sep 27, 2022 at 3:24 PM NM Clerks <nm.clerks@state.nm.us> wrote:

> *On Sep 27, 2022 @ 03:23 pm, Felecia Valdez wrote:*
>
> Hi Annie-
>
> Is there anything else you need assistance with at this time?
>
> Thank you
>
> Ticket History
>
> *On Sep 23, 2022 @ 01:52 pm, Charlotte Chinana wrote:*
>
> Hi Annie,
>
> Thank you for this summary and the screenshots; I'm noting this for a discussion with IT staff. Have a wonderful weekend!
>
> --

Charlotte Chinana

Deputy Elections Director

(505) 827-3623

On Sep 23, 2022 @ 01:51 pm, Charlotte Chinana wrote:

Assigned to Felecia Valdez.

On Sep 22, 2022 @ 06:32 pm, ahogland@currycounty.org wrote:

Attachment:

On Sep 22, 2022 @ 06:32 pm, ahogland@currycounty.org wrote:

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

Please see attached pdf explaining our concerns with the current AV request process through the online portal, as it relates to military / UOCAVA.

We have people who are checking the box "military" being treated as UOCAVA voters, although they are not military absent from the state, and should be a REGULAR AV voter. Not to mention, those that do qualify as a UOCAVA are being issued a ballots via email and did not select "email" as the method to receive their ballot, as they would on an FPCA.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

This is an automated response. Your issue has been noted. We'll be in touch soon.

Please reply to this email or visit the URL below with any additional details.

http://sos-nmclerks:8080/portal/view-help-request/5099

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Friday, August 12, 2022 9:54 AM
To: SOS CLERKS EMAIL
Subject: Re: [EXTERNAL SENDER] Election Readiness Check-ins & An FYI RE: Voter Reference Foundation

Good Morning,

We (Curry) are available from 9-11 and 2-4 on Wednesday the 17th... Please let me know if there are time slots open in those time frames that we can schedule.

Thank you!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Thu, Aug 11, 2022 at 2:19 PM Chinana, Charlotte, SOS <Charlotte.Chinana@state.nm.us> wrote:

> Good afternoon,
>
> Please take a moment to review the attached documents (Election Readiness Checklist and Attestation of Districts), and the dates/times listed below; select your top three preferred time slots and email those to: **nmclerks@state.nm.us.**
>
> We will do our best to accommodate folks; if the times you select are no longer available, we'll reach out with some options (please note: there are a few times that are greyed out due to prior commitments that SOS staff have).

2022 General Election: Election Readiness Check-In Tim					
WEEK ONE	8/15/2022	8/16/2022	8/17/2022	8/18/2022	8/19/2
Time Slots	Monday	Tuesday	Wednesday	Thursday	Frida
9:00 am - 10:00 am					
10:00 am - 11:00 am					
11:00 am - 12:00 pm					
1:00 pm - 2:00 pm					
2:00 pm - 3:00 pm					
3:00 pm - 4:00 pm					
WEEK TWO	8/22/2022	8/23/2022	8/24/2022	8/25/2022	8/26/2
Time Slots	Monday	Tuesday	Wednesday	Thursday	Frida
9:00 am - 10:00 am					
10:00 am - 11:00 am					
11:00 am - 12:00 pm					
1:00 pm - 2:00 pm					
2:00 pm - 3:00 pm					
3:00 pm - 4:00 pm					

Once the appointment time is confirmed, a member of our team will send a confirmation email that will contain a link to the zoom meeting.

In addition to the readiness check-ins, I will be sending a separate email to each county with the "out of precinct" voter list, as well as the map & login information (to access the map). You can begin working on your street file maintenance, and we'll also be available to answer questions and providing assistance during your readiness check-in, should you need it.

****

Lastly, many of you may be receiving inquiries from voters in your county about the Voter Reference Foundation and the recent court ruling that allows New Mexico's voter rolls to be placed publicly online. Our office has created a page to answer any questions and concerns for the voters of New Mexico. Please feel free to use the link to aid in communications with voters who may have questions: https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/rumor-vs-reality/

****

If you have any clarifying questions, please let us know. Have a lovely day!

--

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Charlotte Chinana | Deputy Elections Director

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe NM 87501

Cell: (505) 819-7623 | Desk: (505) 827-3623

charlotte.chinana@state.nm.us

Follow us on Facebook + Twitter

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, November 10, 2022 5:55 PM
To: SOS CLERKS EMAIL
Subject: Re: [EXTERNAL SENDER] Provisional SDR Guidance and other items - 2022 General

Trying to enter 2 SDR Provisionals... and getting this error message when attempting to access the URL provided..

Server Error

403 - Forbidden: Access is denied.

You do not have permission to view this directory or page using the credentials that you supplied.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Thu, Nov 10, 2022 at 12:58 PM Vigil, Mandy, SOS <Mandy.Vigil@sos.nm.gov> wrote:

> Good afternoon,
>
> Thank you all for your hard work during the 2022 General Election to ensure another successful election in our state. With the canvass process beginning, our office drafted guidance to assist you all with processing the SDR Provisionals that may have been issued to voters during the election. There are 2 processes that will need to be completed in order to successfully enter the SDR provisional voter(s).
>
> The first process involves using the "SDR Provisional Portal" (which is similar to the normal SDR portal), to process the voter information from the provisional flap. The provisional ballot was filled out by the voter at the voting location and by using the SDR Provisional Portal, this will allow us to generate a voter record in SERVIS during books close. Attached is the guidance to complete this task in your county.
>
> - Here is the link to process the SDR Provisional voters in the portal https://portal.sos.state.nm.us/SDRProvisional.
> - You will NOT need to create new logins for this portal, your normal SDR logins that were created for the election will work to use this portal.
> - The SDR record will come into the SERVIS home queue as a normal SDR record would during the election.
> - You will then follow the normal provisional process to count/not count in SERVIS.

Once the voter record is created in SERVIS, the second process involves our office back dating the registration to the correct the registration date. Our office will need the following information for each voter to perform this task:

- Voter ID
- Voter Name
- Date of Application
- Date of Registration

Election Results Reporting (Public Page)

- Automatic synchronization has been turned off, please contact our office to have the results synchronized to the public site.

Thank you all for your time. If there are any questions, please feel free to reach out to our office at nm.clerks@sos.nm.gov

Best,

Mandy

STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

Mandy Vigil | Election Director

New Mexico Office of the Secretary of State

325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501

Cell: 505.660.4045

mandy.vigil@sos.nm.gov

Follow us on Facebook + Twitter

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, August 30, 2022 3:27 PM
To: OShea, Justin, SOS
Subject: Re: [EXTERNAL SENDER] RE: [EXTERNAL] 2022 Primary Election MOU

That was fast - thank you!!! Happy Tuesday!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Tue, Aug 30, 2022 at 3:21 PM OShea, Justin, SOS <Justin.OShea@state.nm.us> wrote:

> Here you go!
>
> Thanks,
>
>
>
>
> **Justin Patrick O'Shea, MPA, CPO | Contracts & Assets Manager**
>
> New Mexico Office of the Secretary of State
>
> 325 Don Gaspar, Ste. 300 | Santa Fe, NM 87501
>
> Cell: (505) 577-0053 | Desk: (505) 827-3615
>
> justin.oshea@state.nm.us
>
> **Follow us on Facebook + Twitter**

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, August 30, 2022 3:07 PM
To: OShea, Justin, SOS <Justin.OShea@state.nm.us>
Subject: [EXTERNAL] 2022 Primary Election MOU

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

Hey Justin!

Hoping you may be able to help me out.. I have a copy of the 2022 Primary MOU, but it doesn't have the signature from docusign. I have attached the 2022 General Election MOU that does, as an example.

Is there any way you can refresh the link for the 2022 Primary Docusign email? Or, send me a pdF?

PLEASE! and of course, thank you!

Annie Hogland

Curry County Clerk

417 Gidding, Suite 130

Clovis NM 88101

(575) 763-5591

(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, August 16, 2022 3:37 PM
To: Daniel A. Ivey-Soto
Cc: Stephen@vandelay.solutions
Subject: Re: [EXTERNAL SENDER] Re: ClerkList Email Membership

Thank you! Hope you're having a great day!

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Tue, Aug 16, 2022 at 3:31 PM Daniel A. Ivey-Soto <daniel@vandelay.solutions> wrote:

> Hola!!
>
> I removed the following from the ClerkList:
>
> awylie@currycounty.org
> jwilson@currycounty.org
>
> You and Adrian are the only members of the ClerkList from Curry County.
>
> -- Daniel.
> On Aug 12, 2022, 11:37 AM -0600, Annie Hogland <ahogland@currycounty.org>, wrote:
>
> Good Morning,
>
> My office would like to confirm only the following two emails are on the list to receive ClerkList emails:
> ahogland@currycounty.org - (Annie Hogland)
> aancira@currycounty.org - (Adrian Ancira)
>
> **Any other email addresses associated with *currycounty.org* should be removed.** We're going through a transition period with staff. In the future, we may reach out to request others be added, but for now, I would like only Adrian and myself to be on the list.
>
> In case it is helpful, others who may be currently on the list, that should be removed: mjesko@currycounty.org; jwilson@currycounty.org; awylie@currycounty.org; slawson@currycounty.org.
>
> Thank you for your time, assistance, and for hosting the list service!
>
> *Annie Hogland*
> Curry County Clerk
> 417 Gidding, Suite 130
> Clovis NM 88101

(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Wednesday, October 26, 2022 2:38 PM
To: Romero, Charles, SOS
Cc: Ancira, Adrian; Chinana, Charlotte, SOS
Subject: Re: [EXTERNAL SENDER] Write-In Tally sheet _ Curry

I think these need to be revised, or we can continue using our own... Because we are VCC, it is difficult to tally by precinct on the sheets provided.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Wed, Oct 26, 2022 at 1:26 PM Romero, Charles, SOS <Charles.Romero@sos.nm.gov> wrote:

> Hello Ms. Annie,
>
> Please see the attached write-in tally sheets for your county to use for the 2022 General Election. I attached the write-in guidance again should you need it.
>
> Regards,
>
> STATE OF NEW MEXICO
> **MAGGIE TOULOUSE OLIVER**
> SECRETARY OF STATE
>
> **Charles Romero | Elections Program Coordinator**
>
> New Mexico Office of the Secretary of State
>
> 325 Don Gaspar, Ste. 300 | Santa Fe NM 87501
>
> Cell: (505) 819-7628 | Desk: (505) 827-3634

Charles.Romero@sos.nm.gov

curryelections@currycounty.org

From: Tom Martin <tmartin@currycounty.org>
Sent: Thursday, September 1, 2022 11:35 AM
To: Annie Hogland
Cc: Adrian Ancira
Subject: Re: Voting information

Annie,
Thanks. Appreciate the assistance and explanation.

On Thu, Sep 1, 2022 at 10:37 AM Annie Hogland <ahogland@currycounty.org> wrote:

Commissioner Martin,

As stated in the flyer, **Pursuant to Administrative Rule 1.10.7 NMAC "Randomization of Candidate Names on Ballots," ballot order is determined by the random drawing conducted by the Office of the NM Secretary of State held on January 15, 2021 for 2021/2022 Elections.**

The names of candidates for the same office will be ordered based upon the first letter in each candidate's last name according to the order of letters. When two or more candidates for the same office share the same first letter in each candidate's last name, the order of the candidate names is resolved by applying the New Mexico election alphabet to each subsequent letter in each candidate's last name until a discernment can be ascertained between candidate names. As defined in rule, "Candidate name" means the name listed on the candidate's certificate of registration and disregarding any punctuation forming a part of a candidate's name. So that means if you have a hyphenated last name, your ballot position will be determined by the first name of your hyphenated last name.
Final List as provided by NM SOS: **W, A, D, X, U, F, T, J, M, B, K, N, P, S, Z, H, Q, Y, I, O, E, C, G, R, V, L.**

Because the other candidate in the Curry County Commissioner District 2 contest has a last name beginning with the letter B, you will be first in that contest.

Your name will read as it does on your voter registration: THOMAS W MARTIN, III

Thank you,
Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Mon, Aug 29, 2022 at 8:36 AM Tom Martin <tmartin@currycounty.org> wrote:

Annie/Adrian,
And how will I be listed on the ballot? Thomas W. Martin, III?

On Mon, Aug 29, 2022 at 8:14 AM Tom Martin <tmartin@currycounty.org> wrote:

Annie/Adrian,
When will the order be determined?

On Thu, Aug 25, 2022 at 1:39 PM Tom Martin <tmartin@currycounty.org> wrote:

Thanks

Tom form phone

On Aug 25, 2022, at 8:37 AM, Annie Hogland <ahogland@currycounty.org> wrote:

Apologies for the delay.

Ballot positions were determined by random alphabet. I have attached the handout provided on Candidate Filing Day for a detailed explanation.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

On Thu, Aug 25, 2022 at 4:35 AM Tom Martin <tmartin@currycounty.org> wrote:

> Annie and Adrian,
> Found all the information that I needed on your website except what position I am on the ballot. When will we know that?
>
> On Tue, Aug 23, 2022 at 5:45 PM Tom Martin <tmartin@currycounty.org> wrote:
>
> > Annie/Adrian,
> > Can you please answer these questions for me?
> >
> > When does:
> >
> > Vote by mail start?/End
> > Early voting start? /End
> >
> > Where are the early voting sites?
> > Where are the election day sites?
> >
> > What position are you on the ballot?
> >
> > Thanks
> >
> > --
> > tom
>
> --
> tom

--

> > tom
>
> --
> tom

--
tom

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Tuesday, August 9, 2022 6:11 PM
To: SOS CLERKS EMAIL
Cc: sos-finance@state.nm.us
Subject: Request for VIC Stock and VRA Forms

Good Afternoon,

The Curry County Clerk's office is requesting the following:

1) 5,000 sheets of Voter Information Cardstock
2) 50 Voter Registration Agent Identification Forms (NMVR-5)

Please let me know if you have any questions or concerns.

Thank you,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, November 10, 2022 6:28 PM
To: SOS CLERKS EMAIL
Subject: SDR Provisional Back Date List

Curry had 2 SDR Provisionals that need to be "backdated" according to your guidance

1) 160327051 - - Date of Application and Registration - 11/10/22 (SDR Provisional was issued 11/8/22 Election Day)

2) 160327052 - . - Date of Application and Registration - 11/10/22 (SDR Provisional was issued 11/8/22 Election Day)

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Monday, October 17, 2022 10:11 AM
To: SOS CLERKS EMAIL
Subject: SDR Tablet Error

Good Morning,

Twice this morning, our tablet has had an error message regarding OVR data from MVD, and to try again later.... Don't have a picture of the error message, just wanted to report as best as possible. If it happens again we will get a picture.

Thanks,

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

curryelections@currycounty.org

From: Annie Hogland <ahogland@currycounty.org>
Sent: Thursday, September 22, 2022 6:30 PM
To: SOS CLERKS EMAIL
Subject: UOCAVA / Online AV Request
Attachments: OnlineAVRequest (1).pdf

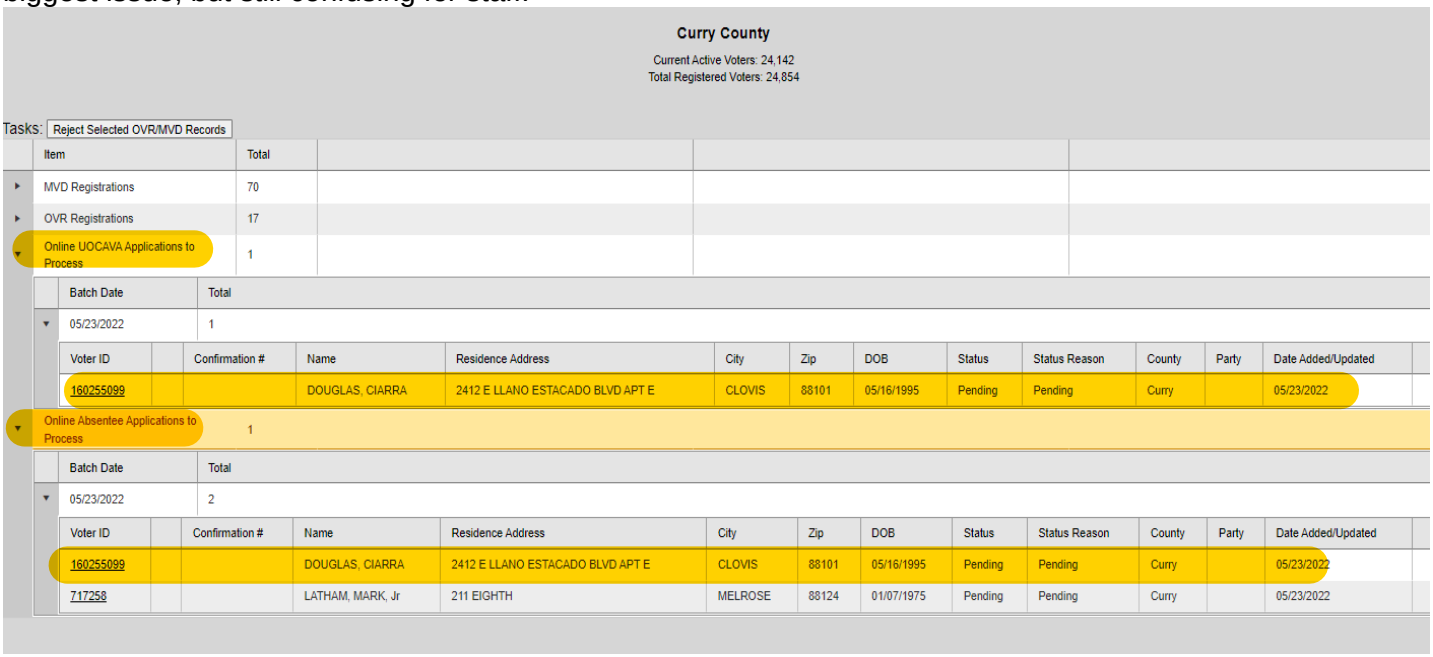
Good Afternoon,

Please see attached pdf explaining our concerns with the current AV request process through the online portal, as it relates to military / UOCAVA.

We have people who are checking the box "military" being treated as UOCAVA voters, although they are not military absent from the state, and should be a REGULAR AV voter. Not to mention, those that do qualify as a UOCAVA are being issued a ballots via email and did not select "email" as the method to receive their ballot, as they would on an FPCA.

Annie Hogland
Curry County Clerk
417 Gidding, Suite 130
Clovis NM 88101
(575) 763-5591
(575) 763-4232 (fax)

Home screen.. is showing the UOCAVA applications twice… it started doing this during the 2022 MOE.. not the biggest issue, but still confusing for staff.



Curry County

Current Active Voters: 24,142
Total Registered Voters: 24,854

Tasks: Reject Selected OVR/MVD Records

Item	Total
MVD Registrations	70
OVR Registrations	17
Online UOCAVA Applications to Process	1

Batch Date	Total
05/23/2022	1

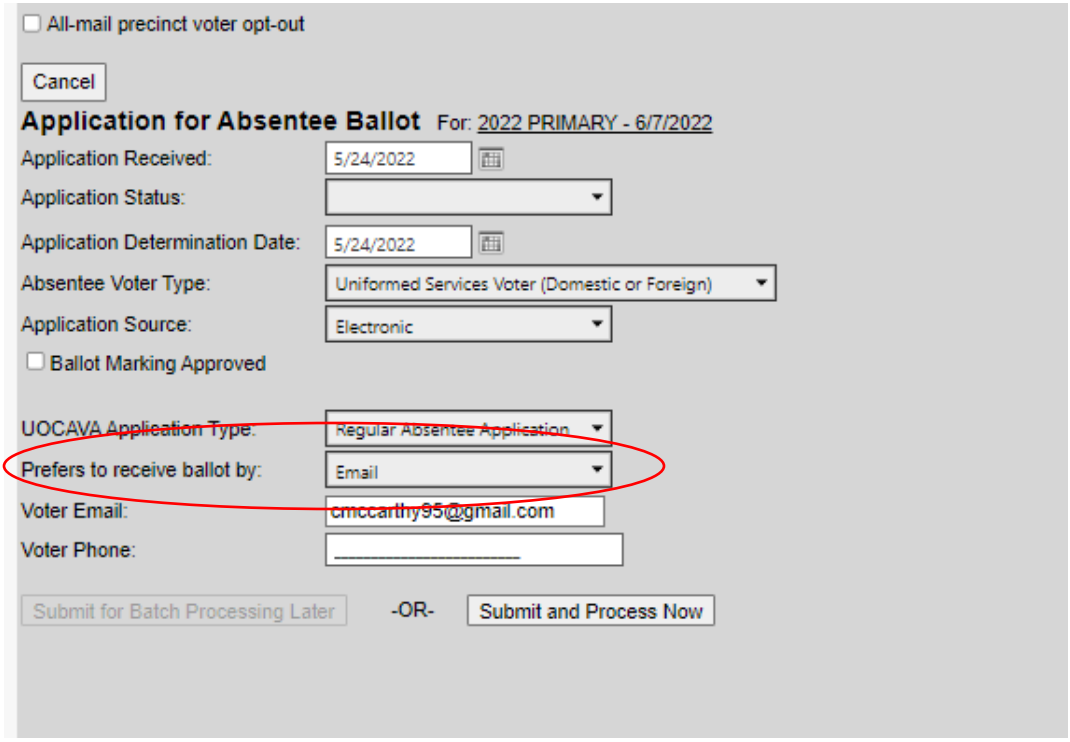
Voter ID	Confirmation #	Name	Residence Address	City	Zip	DOB	Status	Status Reason	County	Party	Date Added/Updated
160255099		DOUGLAS, CIARRA	2412 E LLANO ESTACADO BLVD APT E	CLOVIS	88101	05/16/1995	Pending	Pending	Curry		05/23/2022

Online Absentee Applications to Process	1

Batch Date	Total
05/23/2022	2

Voter ID	Confirmation #	Name	Residence Address	City	Zip	DOB	Status	Status Reason	County	Party	Date Added/Updated
160255099		DOUGLAS, CIARRA	2412 E LLANO ESTACADO BLVD APT E	CLOVIS	88101	05/16/1995	Pending	Pending	Curry		05/23/2022
717258		LATHAM, MARK, Jr	211 EIGHTH	MELROSE	88124	01/07/1975	Pending	Pending	Curry		05/23/2022

Below is screen to process that UOCAVA application above.



All-mail precinct voter opt-out

Cancel

Application for Absentee Ballot For: 2022 PRIMARY - 6/7/2022

Application Received: 5/24/2022

Application Status:

Application Determination Date: 5/24/2022

Absentee Voter Type: Uniformed Services Voter (Domestic or Foreign)

Application Source: Electronic

Ballot Marking Approved

UOCAVA Application Type: Regular Absentee Application

Prefers to receive ballot by: Email

Voter Email: cmccarthy95@gmail.com

Voter Phone:

Submit for Batch Processing Later -OR- Submit and Process Now

When processing, it shows the voter prefers to receive ballot by email… But through the online av application process, it doesn't actually give the voter the option. (See following pages as we tried to mock the application process for a UCOVA voter).

This is the actual application printed from the voter's images tab.

APPLICATION FOR ABSENT VOTER BALLOT

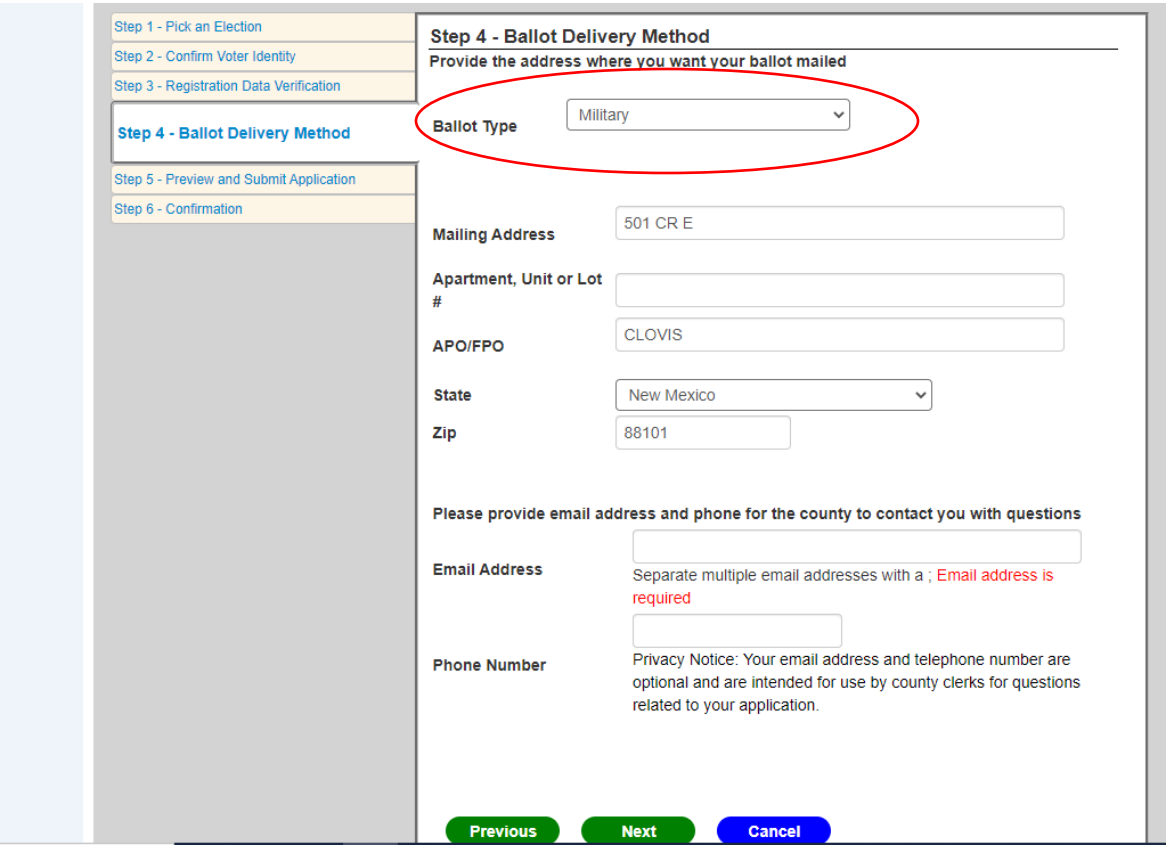
Election:	**2022 PRIMARY - June 7, 2022**
Voter name as registered:	**CIARRA MARIE MCCARTHY DOUGLAS**
Year of birth:	**1995**
County:	**CURRY COUNTY**
Street address as registered:	**2412 E LLANO ESTACADO BLVD APT E APT E** **CLOVIS NM 88101**
Mail ballot to address:	**6000 CORTADERIA ST NE 6101** **ALBUQUERQUE, NM 87111-8007**
Email address:	**cmccarthy95@gmail.com**
Absentee type:	**Military**
Date & time submitted electronically:	**5/23/2022 at 23:52**

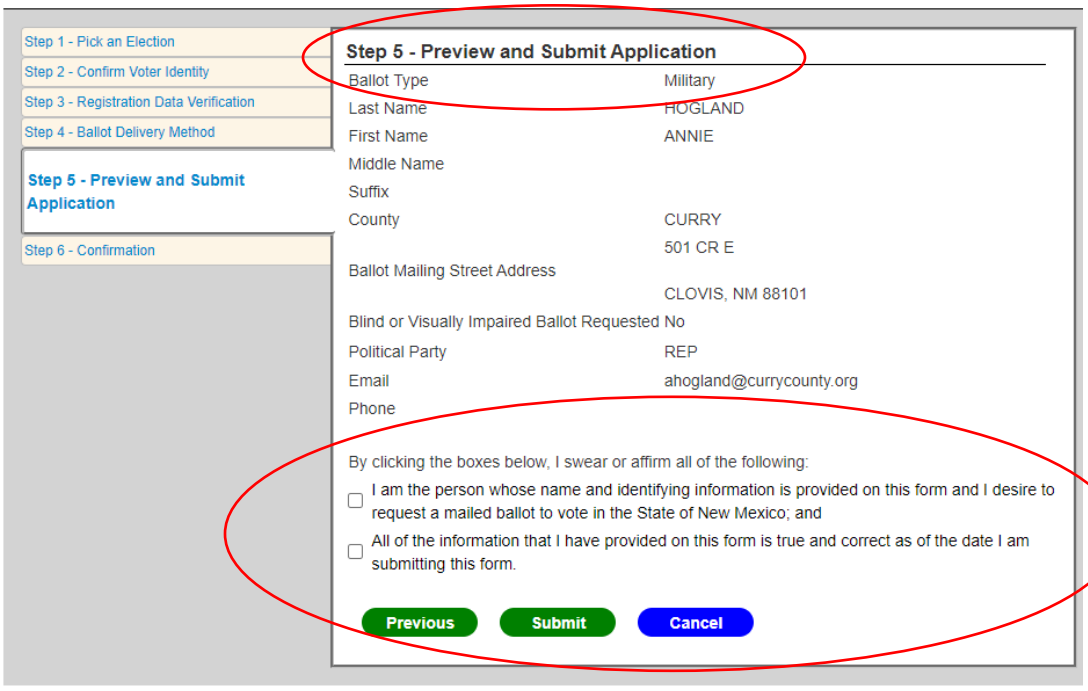
I swear or affirm all of the following

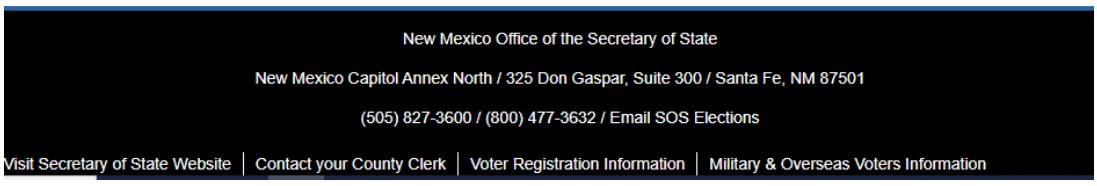
- I am the person whose name and identifying information is provided on this form and I desire to re uest a mailed ballot to vote in the State of ew Me ico and
- All of the information that I have provided on this form is true and correct as of the date I am submitting this form.

Signature:

When mocking the application process, the drop down allows you to select military.. but that doesn't actually follow the UOCAVA process. In addition, on the "Preview and Submit screen" it has the Regular AV voter affirmation, not a UOCAVA affirmation as indicated on the next page (FPCA form).







Voter Registration and Absentee Ballot Request

Federal Post Card Application (FPCA)

Print clearly in blue or black ink, please see back for instructions.

This form is for absent Uniformed Service members, their families, and citizens residing outside the United States. It is used to register to vote, request an absentee ballot, and update your contact information. See your state's instructions at FVAP.gov.

1. Who are you? Pick one.

I request an absentee ballot for all elections in which I am eligible to vote AND:

- ☐ I am on active duty in the Uniformed Services or Merchant Marine **-OR-** ☐ I am an eligible spouse or dependent.
- ☐ I am a U.S. citizen living outside the country, and I intend to return.
- ☐ I am a U.S. citizen living outside the country, and my intent to return is uncertain.
- ☐ I am a U.S. citizen living outside the country, and I have never lived in the United States.

Last name		Suffix (Jr., II)	Sex ☐ Female ☐ Male
First name		Previous names (if applicable)	
Middle name		Birth date (MM/DD/YYYY)	/ /
Social Security Number	___ ___ ___ - ___ ___ - ___ ___ ___ ___	Driver's license or State ID #	

2. What is your address in the U.S. state or territory where you are registering to vote and requesting an absentee ballot?

Your voting materials will not be sent to this address. See instructions on other side of form.

Street address		Apt #	
City, town, village		State	
County		ZIP	

3. Where are you now? You MUST give your CURRENT address to receive your voting materials.

Your mailing address. (Different from above)	Your mail forwarding address. (If different from mailing address)

4. What is your contact information? This is so election officials can reach you about your request.

Provide the country code and area code with your phone and fax number. Do not use a Defense Switched Network (DSN) number.

Email:		Phone:	
Alternate email:		Fax:	

5. What are your preferences for upcoming elections?

A. How do you want to receive voting materials from your election office? (Select One)

- ☐ Mail
- ☐ Email or online
- ☐ Fax

B. What is your political party for primary elections?

6. What additional information must you provide?

Puerto Rico and Vermont require more information, see back for instructions. *Additional state instructions* may be found at FVAP.gov. You may also use this space to clarify your voter information.

7. You must read and sign this statement.

I swear or affirm, under penalty of perjury, that:

- The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.
- I am a U.S. citizen, at least 18 years of age (or will be by the day of the election), eligible to vote in the requested jurisdiction, and
- I am not disqualified to vote due to having been convicted of a felony or other disqualifying offense, nor have I been adjudicated mentally incompetent; or if so, my voting rights have been reinstated; and
- I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States, except the jurisdiction cited in this voting form.

Sign here X

Today's date (MM/DD/YYYY) / /

Export of Records

Captured by ArchiveSocial

From 6:00 on Aug 1, 2022 UTC to 6:59 on Dec 28, 2022 UTC

Facebook Elections

Generated by Todd Ulses at 20:50:33 on 1/06/2023 UTC

Included in this export:

Account(s): [Facebook Page] Curry County, NM

Content Type(s): Facebook - Albums; Facebook - Message threads; Facebook - Photos; Facebook - Timeline posts; Facebook Page - Albums; Facebook Page - Blocked list; Facebook Page - Event details; Facebook Page - Event discussions; Facebook Page - Message threads; Facebook Page - Photos; Facebook Page - Profile; Facebook Page - Reviews; Facebook Page - Timeline posts; Facebook Page - Videos

Term(s): matching *elections* OR matching *"ivey-soto"* OR matching *"Secretary of state"* OR matching *AES* OR matching *vandelay*

Account: Curry County, NM **Content type:** Facebook Page - Timeline posts

Record ID: 20221116Curry-County-NMTimeline-posts72608_509201104582056

Curry County, NM
at 0:00:23 on 11/16/2022 UTC ·

MEDIA ALERT

November 15, 2022

NMDOH to provide flu, RSV, COVID-19 and Monkeypox update

Media invited to join for latest information

SANTA FE – The New Mexico Department of Health (NMDOH) invites the media to join Acting Cabinet Secretary of the NMDOH, David R. Scrase, M.D, Deputy Secretary Laura Parajon, M.D. along with Dr. Anna Duran, Associate Chief Medical Officer at UNM Children's Hospital for a virtual news conference Thursday, Nov, 17, 2022 at 1 p.m. to provide an update on flu, RSV, COVID-19 and Monkeypox.

As always, members of the media are invited to submit questions early, which offers the opportunity to research and provide answers during the news conference.

The 45-minute event will include a short presentation and address submitted questions first. Members of the media will be offered an opportunity to ask questions after the presentation.

Media is kindly asked to request a zoom link invitation by email: trevor.dermody@doh.nm.gov.

The event will be streamed live on the New Mexico Department of Health Facebook page

The news conference will also be streamed with a Spanish language interpreter on Governor Michelle Lujan Grisham's YouTube page.

We look forward to seeing you there.

###

NMDOH

Trevor Dermody, Communications Specialist trevor.dermody@doh.nm.gov

The Department of Health works to promote health and wellness, improve health outcomes, and deliver services to all New Mexicans. As New Mexico's largest state agency, DOH offers public health services in all 33 counties and collaborates with 23 Native American tribes, Pueblos and nations.

Julie Montano Roberta Chavez Tamara Sena
at 0:39:25 on 11/16/2022 UTC

Sara Cox They gonna shut down the state again now that elections are over?
at 1:16:52 on 11/16/2022 UTC

Randon Mares

at 2:19:37 on 11/16/2022 UTC

Liz Reynolds Well the election is over.. this is right on cue.
at 4:47:40 on 11/16/2022 UTC