MOE Election School 2019
Gayle Jones, MMC
Renee Cantin, CMC

WHY HOLD ELECTION SCHOOL?

• Only have elections every two years (mostly)
• Laws have changed significantly since last election
• Municipal Clerk has a prominent role in MOE Elections

WHAT WILL WE COVER?

• The Election Process
  In detail
  In chronological order
  The “whys”
  Some “what not to do”
THE PURPOSE OF ELECTIONS

• To elect Representation at Federal, State, County and Municipal levels

I'M FROM THE GOVERNMENT, I'M HERE TO HELP

THE PURPOSE OF ELECTIONS

• Studies have shown:
  – Municipal Governments have more direct impact on citizen’s daily lives than Federal or State Governments

Your City Government

WHAT CAN WE DO?

• Education, Education, Education!

• We’re Not Just the Water Department

• Educate Citizens regarding services we offer
  • Public Safety, Road Construction Projects, Parks, Recreation Programs, Etc.

• Make Voting Available and Easy for ALL Voters
1-22-3.1 Municipal officer election day; procedures; exceptions

A. All municipalities shall elect their municipal officers pursuant to this section on the municipal officer election day, which is the first Tuesday in March of even-numbered years, unless the municipality has opted in to the election of its municipal officers at the regular local election.
Municipalities with next election in March 2020 (36)

<table>
<thead>
<tr>
<th>Artesia</th>
<th>Corrales</th>
<th>Grants</th>
<th>Milan</th>
<th>San Ysidro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aztec</td>
<td>Cuba</td>
<td>Hobbs</td>
<td>Portales</td>
<td>Santa Rosa</td>
</tr>
<tr>
<td>Bernalillo</td>
<td>Dora</td>
<td>Jal</td>
<td>Questa</td>
<td>Silver City</td>
</tr>
<tr>
<td>Bloomfield</td>
<td>Elida</td>
<td>Jemez Springs</td>
<td>Rio Rancho</td>
<td>T or C</td>
</tr>
<tr>
<td>Bosque Farms</td>
<td>Espanola</td>
<td>Kirtland</td>
<td>Roswell</td>
<td>Taos</td>
</tr>
<tr>
<td>Causey</td>
<td>Floyd</td>
<td>Las Vegas</td>
<td>Ruidoso</td>
<td>Taos Ski Valley</td>
</tr>
<tr>
<td>Chama</td>
<td>Gallup</td>
<td>Lovington</td>
<td>Ruidoso</td>
<td>Texico</td>
</tr>
<tr>
<td>Clovis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1-22-3.1 Municipal officer election day; procedures; exceptions
D. For municipalities that elect their officers on municipal officer election day:
(1) All provisions of the Local Election Act as supplemented by the Election Code apply except as provided in this section:
(2) For municipal officer election, when the Local Election Act or the Election Code references a process or procedure to be conducted by the county clerk in the administration of a regular local election, the process or procedure shall instead be fulfilled and administered by the municipal clerk:

D. (10) A municipality that elects its municipal officers pursuant to this section shall bear the costs of administering the municipal officer election.
RESOURCES AND TOOLS

• Election Code Book
• Election Sample Calendar(s)
• Sample of Election Forms (we may have this)
• Municipal League & Other Clerks

Election Code Book

– Your “bible” for the election

• NOTE:
  Only ONE code – no more municipal code

Read it, Read it, and Read it Again

At least once – read it SLOOOOOOWLY

It’s tempting to skip words you don’t quite understand. Don’t do it. If you’re confused about what a word means and can’t understand from the context, look the word up.
All Words and Punctuation have meaning
Check the definitions section to define specific terms.

Punctuation matters – pay attention to commas, semi-colons, and periods.

Understand Common Terminology
Unless otherwise defined in a section itself:
“SHALL” makes the duty imposed mandatory
“MAY” leaves the duty optional
“OR” is disjunctive, meaning only one of the enumerated items is required.
“AND” is conjunctive, meaning all of the enumerated conditions must be met.

Other words to pay attention to: “IF,” “EXCEPT,” “WHEN,” “UNLESS,” “BUT,” “BUT IF,” “BUT NOT,” and “HOWEVER.”

In NM OneSource
What are Annotations?

ANNOTATIONS
Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law.
Laws 2019, ch. 212, § 283, effective April 3, 2019, provided that references in the Election Code to “precinct board”, shall be deemed to be references to “election board”, as that term is defined in Section 1-1-13 NMSA 1978.

Cross references. — For offenses and penalties, see 1-20-1 NMSA 1978 et seq.
For obstructing polling place, see 1-20-17 NMSA 1978.
For disturbing polling place, see 1-20-20 NMSA 1978.

Mandatory nature of statute. — This section does not require that law enforcement officers called to assist in establishing order in a polling place conduct an independent investigation of the premises or personally witness the polling place in disorder. The statute merely states that when called, an officer “shall render assistance”. It is reasonably related to New Mexico’s interests in protecting voters from intimidation at the polls and from preventing disruptions that might undermine the integrity of state elections. The statute is viewpoint neutral, and does not depend on the nature of or the reason for the disruption a particular citizen’s presence at the polling place might cause. Ramos v. Carbajal, 508 F. Supp. 2d 905 (10th Cir. 2007).
Election Code Book
Electronic
• Available (PDF file) from the Secretary of State’s website
• https://www.sos.state.nm.us/voting-and-elections/voter-information/election-resources/#

RESOURCES AND TOOLS
• Election Sample Calendars
  • Municipal Officer Election version (narrative)
  • Town of Silver City (Excel-based)
  • NMML League version (narrative)

Computation of time; deadlines
1-1-22
• Time periods less than eleven (11) days counted as calendar days
• If an actual deadline falls on a weekend or state-recognized holiday, the next business day becomes the deadline, UNLESS the deadline is expressed as a day of the week, then that day remains the deadline
# Municipal Officer Election Calendar

**Municipal Officer Election (MOE) Election Calendar**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/21/2019</td>
<td>MOE General Election Resolution</td>
<td>Resolution: A resolution of the Municipal Judge declaring the five municipal officers elected by secret ballot on the election date on the official write-in ballots. The declaration shall be accurate to the extent of the results as determined by the returns of the official vote.</td>
</tr>
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# Municipal Officer Election Calendar (short version)

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# Silver City Election Calendar

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Silver City Election Calendar

RESOURCES AND TOOLS
• CALL SOMEONE!
• Municipal League  1-800-432-2036
• Other Clerks

A good starting point....
Preparing for and Calling the Election

Renee Cantin, CMC, Clerk-Treasurer
City of Truth or Consequences

Pre-Election Duties

- Election Calendar
- Election Code
- Organizing the Election
- Election Resolution
- Working with your County Clerk
- Secretary of State
ELECTION CALENDAR

- Chronical order of election duties
- State Statutes mandate schedule & duties
- Edited copy can be given to candidates

NOTE: Dates are when items are due - not when they are completed.

ELECTION CODE

- Election Bible – “Don’t Leave Home Without It!”
- Your “How-to” detailed guide
- Protects the secrecy of the ballot
- Preserves the integrity of the election
- Shall vs. May

ELECTION CODE

- Section 1-1-4. Qualified elector.
  - A. As used in the Election Code and rules promulgated by the secretary of state, “qualified elector” means any resident of this state who is qualified to vote under the provisions of the constitution of New Mexico and the constitution of the United States and includes any qualified resident.
  - B. As used in all other statutes and rules of New Mexico, unless otherwise defined, “qualified elector” means a "voter" as that term is defined in Section 1-1-5 NMSA 1978.
**ELECTION CODE**

- **Section 1-1-5.10. Qualified resident.**
- As used in the Election Code, "qualified resident" means an individual who is under the age of eighteen and, except for the age requirement, otherwise satisfies the state’s voter eligibility requirements as a qualified elector or a federal qualified voter.

**ELECTION RESOLUTION**

Positions that may be open:
- Mayor
- Councilors
- Trustees
- Commissioners
- Municipal judge

**Determining who is up for Election**

https://nmml.org/directory/
Determined who is up for Election

Elected Officials have 4-year terms

How many Councilors/Trustees do you have?

Only HALF are up for election at any time

What about “at large” positions?

1-22-4E. Whenever two or more members of a local governing body are to be elected at large for terms of the same length of time, the secretary of state shall numerically designate the positions on the ballot as "position one", "position two" and such additional consecutively numbered positions as are necessary, but only one member shall be elected for each position.

What about “at large” positions?

A Candidate will have to select which position (if there are more than one) they wish to run for and state that position on their declaration of candidacy.
Determining who is up for Election

COUNCILOR/TRUSTEE Exceptions:
Councilor A was elected in 2018 to a 4-year term
Councilor A resigned in November of 2018
(before half-way point of his term – less than 2 years)
Councilor B was appointed and serves until the election in 2020.
In 2020 – Councilor B would have to run for a 2-year term (2020-2022)
In 2022 – Councilor B would have to run for a new 4-year term

Councilor C was elected in 2016 to a 4-year term.
Councilor C resigned in November of 2018
(after half-way point of his term – more than 2 years)

Determining who is up for Election

MAYOR Exceptions:
Mayor A was elected in 2016 to a 4-year term
Mayor A resigned in November of 2016
(before half-way point of his term – less than 2 years)
Councilor B was appointed as Mayor and serves until the election in 2020
(the rest of the term)
In 2020 – Mayor B would have to run for a new 4-year term

Mayor C was elected in 2016 to a 4-year term
Mayor C resigned in November of 2018
(after half-way point of his term – more than 2 years)
Councilor D was appointed as Mayor and serves until the election in 2020
(the rest of the term)

ORGANIZING THE ELECTION

• Review Election Calendar
• Update Candidate Packet
• Supplies
  • Perform an inventory
  • Estimate needs for AB, EV & ED
• Order Forms
• Municipal/District maps
ORGANIZING THE ELECTION

• Know your City Code & State Statutes
• Update Press Releases/PSA’s – Advertise
• Mayor/Manager – Questions on Ballot
• Draft Letter to County Clerk & SOS
• Securing Polling Places

ELECTION PROCLAMATION

1-22-3.1E(1)
The secretary of state shall, in accordance with the provisions of Section 1-22-4 NMSA 1978, issue the proclamation calling for the municipal officer election for all municipalities conducting the election of their officers pursuant to this section. The municipal clerk shall post those portions of the proclamation relevant to the municipality and publish what is posted in accordance with the schedule and procedures provided in Subsection D of Section 1-22-4 NMSA 1978, and each county clerk shall post the entire proclamation on the

ELECTION PROCLAMATION

Issued by Secretary of State for all Municipalities

Municipalities must notify SoS of positions up for election 120-150 days prior to Election Day
(October 5 – November 4, 2019)

Proclamation issued 90 days prior to
ELECTION PROCLAMATION

- Recommend municipalities adopt resolution with the following information:
  (1) the date when the election will be held;
  (2) the offices to be filled;
  (3) questions (if any) to be submitted to the voters;
  (5) the date and time for filing declarations of candidacy;
  (6) the dates and times for absentee voting;
  (8) the location of polling places and consolidation of precincts (if any)

ELECTION RESOLUTION

- Ballot Questions
  - Only questions authorized by specific state statute may be placed on the ballot in a municipality with a Mayor-Council form of government that has not adopted a home rule charter
  - Commission-manager municipalities that are not home rule are also limited to these ballot questions in the absence of a valid initiative or

ELECTION PROCLAMATION

- Section 1-22-4. Regular local election; proclamation; publication.
  - B. The secretary of state shall by resolution issue a public proclamation in Spanish and English calling a regular local election. The proclamation shall be issued and filed by the secretary of state in the office of the secretary of state ninety days preceding the date of the regular local election, and upon filing the proclamation, the secretary of state shall post the proclamation and certify it to each county clerk.
  - C. The proclamation shall specify:
    - (1) the date when the election will be held;
    - (2) each elective office, local governing body and judicial position
Once the Election Proclamation has been issued:
  - Post the entire proclamation on the municipal website
  - Publish the portion of the proclamation relevant to the municipality at least once, not less than seventy-five days (by December 19, 2019)

Section 1-22-4. Regular local election; proclamation; publication.

D. After receipt of the proclamation from the secretary of state, the county clerk shall post the entire proclamation on the county clerk’s website and, not less than seventy-five days before the date of the election, shall publish portions of the proclamation relevant to the county at least once in a newspaper of general circulation within the county. The publication of the proclamation shall conform to the requirements of the federal Voting Rights Act of 1965, as amended, and shall specify:
  1. the date when the election will be held;
  2. for each local government situated in whole or in part in the county, each elective executive, local governing body and judicial position to be filled by voters of any precinct in the county;
  3. the date on which declarations of candidacy are to be filed and the date on which declarations of intent to be a write-in candidate are to be filed;
  4. the location, days and hours for voting at the office of the county clerk.

Send letter to County Clerk requesting:
  - Registered voter lists and signature rosters (3-8-7B)
  - Electronic Data sent to Vendor for Ballot on Demand
  - Machines for Early Voting and Absentee
  - Machines for Election Day
WORKING WITH THE COUNTY CLERK

• Letter should reference:
  • Date of election
  • Last Date to Certify Machines for Absentee and Election Day
  • Date Absentee Begins

WORKING WITH THE COUNTY CLERK

• Role of County Clerk
  • determine validity of voter registration form
    (not municipal clerk’s responsibility or duty!)
  • determine whether or not a voter is inside the municipal limits (3-8-7)
  • keep voter registration records

WORKING WITH THE COUNTY CLERK

• Role of County Clerk
  • provide list of qualified electors and signature rosters for a municipal election (3-8-6 and 3-8-7B)
  Note: 1-22-3.1D5 requires the Secretary of State to authorize access to municipal clerks
  • provide and certify voting machines (1-9-6 and 1-11-6)
    (3-8-14A)
WORKING WITH THE COUNTY CLERK

- Municipal Clerks can Assist County Clerk by:
  - Advising them of changes to municipal boundaries
  - Contacting them to verify voter eligibility for potential voters not shown on lists/rosters
  - Notifying them daily with names of absentee/early voters to insure registration lists and signature rosters are properly updated
  - Provide copy of new precinct/district map if redistricting was done

WORKING WITH THE COUNTY CLERK

- Communication
  - Verbal
  - Email or Letter Backup
  - Inform Clerk of Annexations/Ordinance/Recording

WORKING WITH THE COUNTY CLERK

- Voting Machine Certification – Date, Place, Time (Notify Candidates) (1-11-6 & 1-11-8) (3-8-14)
- Delivery of Machines to Polling Places
- Election School – Technician Available
SECRETARY OF STATE
• Chief Election Officer of the State

• Responsibilities:
  • Investigate complaints concerning the conduct of municipal elections and issue findings to the appropriate enforcement authority (3-8-6.1)

SECRETARY OF STATE
• 1-22-3.1D(5)
  In an election administered by the municipal clerk, the secretary of state shall provide to the municipal clerk access to the list of voters of the municipality through the voter registration electronic management system
PRE-ELECTION DUTIES: PART 2

Ann Mackie, MMC
Town Clerk
Town of Silver City

Rebecca Martinez, CMC
City Clerk
City of Rio Rancho

THE CANDIDATE

- Candidate Packets
  - Election Calendar
  - Election Resolution
  - Declaration of Candidacy General Information
    (§1-22-3.1E)
  - Declaration of Candidacy Form
  - Affidavit of Authorization Form
  - Affidavit to Withdraw as Candidate

THE CANDIDATE

- Candidate Packets cont’d
  - Campaign Reporting Ordinance and Forms
    (if applicable)
    – Exempt from State Campaign Reporting Act
  - General Description of Official Duties for Elected Officers
    - may include copies of municipal ordinances regarding
governing body, manager, clerk, etc.
  - NM Government Conduct Act (§10-16-1)
  - Sign Regulation Ordinance
  - Judge Candidate Packets – Notice of Required
    Orientation for New Judges
THE CANDIDATE

• Candidate Packets cont’d
  • Copy of municipal map or district map
  • Info on how to access municipal code book and municipal website
  • Packets should be ready approximately one month
    (1st Part of December) prior to Candidate Filing Day

• Fair and Equal Treatment of all Candidates Including Current Officials
  • Unbiased
  • Neutral
  • Always provide same information to all candidates
  • Avoid Political Fallout

THE CANDIDATE

• Candidate Filing Day –
  • JANUARY 7, 2020  (§1-22-3.1 E3) 56 days before election
  • 9:00 A.M. TO 5:00 P.M. (note new start time)
    • Use Official “Election Clock” Throughout Election
  • Office of the Municipal Clerk
  • Who is Eligible to Run for Office?
    • Residency (§1-1-7)
    • Qualified Elector (§§3-1-2 K & 1-1-4) Clerk’s Basic Responsibility

THE CANDIDATE

• Residency (§1-1-7 A-J)  (§3-8-3 A & B)
  • Presumed to be at the Address or Location Shown on the Original Affidavit of Voter Registration on File with the County Clerk
  • Court System Will Generally Rule in Favor of the Voter!
Residency, rules for Determining
(§1-1-7)

For the purpose of determining residence for voting, the place of residence is governed by the following rules:
A. the residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return;
B. the place where a person's family resides is presumed to be his place of residence, but a person who takes up or continues his abode with the intention of remaining at a place other than where his family resides is a resident where he abides;
C. a change of residence is made only by the act of removal joined with the intent to remain in another place. There can be only one residence;
D. a person does not gain or lose residence solely by reason of his presence or absence while employed in the service of the United States or of this state, or while a student at an institution of learning, or while kept in an institution at public expense, or while confined in a public prison or while residing upon an Indian or military reservation;
E. no member of the armed forces of the United States, his spouse or his dependent is a resident of this state solely by reason of being stationed in this state;
F. a person does not lose his residence if he leaves his home and goes to another country, state or place within this state for temporary purposes only and with the intention of returning;
G. a person does not gain a residence in a place to which he comes for temporary purposes only;
H. a person loses his residence in this state if he votes in another state in an election requiring residence in that state, and has not upon his return regained his residence in this state under the provisions of the constitution of New Mexico;
I. "residence" is computed by not including the day on which the person's residence commences and by including the day of the election;
J. a person does not acquire or lose residence by marriage only.
THE CANDIDATE
- Frequently Asked Questions
  - If a Councilor whose term isn’t up runs for Mayor do they have to resign?
  - If a Judge runs for a non-judicial office, must the Judge resign? (Supreme Court Rule 21-700)
- What are incompatible Offices?
  - Clerk’s Role
  - What About Nepotism?

THE CANDIDATE
- Candidates’ Responsibilities
  - When and How to File
  - Documents Required for Filing (§1-22-3B) (§3-8-27 A & B)
    - Certified Copy of Current Certificate of Voter Registration on File with the County Clerk
    - Certified by County Clerk
    - Must be registered to vote on or before the Election Proclamation Day (December 4, 2019) (§1-22-3B)
    - Must Show Address as a Street Address or Rural Route, NOT A PO BOX
    - Declaration of Candidacy (on Secretary of State approved form)

THE CANDIDATE
- Candidates’ Responsibilities cont’d
  - Authorized Representative (§1-22-3.1E2)
    - Person Acting Solely on the Candidate’s Behalf
    - Written Authorization Signed by Candidate
    - Notarized
    - Presented to Municipal Clerk with other Documents on Candidate Filing Day
THE CANDIDATE

• Declaration of Candidacy (§1-22-8) (§3-8-27 D1-7)
  - Identical Name & Identical Residential Address as Shown on Certificate of Registration as of December 4, 2019
  - The Office and Term to Which they are Seeking Election and District Designation (If Applicable)
  - Statement that the Candidate is Eligible and Legally Qualified to Hold Office Filing for at the beginning of the term

THE CANDIDATE

• “At Large” Election of Councilors/Trustees 1-22-4E
  - If there are multiple positions available, a candidate must declare for a specific position
  - Example: Councilor, Position 1 or Trustee, Position 2
THE CANDIDATE

• Declaration of Candidacy (§3-8-27 D1-7)
  • Statement that Candidate Has Not Been Convicted of a Felony or if they have, a Statement that they have had Their Voting Rights Restored
  • No longer require any statements regarding conviction of felonies

THE CANDIDATE

• Declaration of Candidacy (§1-22-8) (§3-8-27 D1-7, E)
  • Statement that the Declaration of Candidacy is an Affidavit Under Oath and that any False Statement Knowingly Made in the Declaration Constitutes a Fourth Degree Felony Under the Laws of New Mexico
  • Notarized Signature of the Candidate
  • Declaration of Candidacy Becomes Public Record Once it is Filed with the Municipal Clerk
  • Candidate May Not File For Multiple Offices

THE CANDIDATE

[Declaration of Candidacy form image]
THE CLERK

- Clerk’s Responsibilities
  - Fair and Equal Treatment of ALL Candidates
  - Check Declaration of Candidacy and Required Documents PRIOR to the Candidate Leaving Your Office

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Residence</th>
<th>Name of Voting Petty</th>
<th>Address or Mailing Address</th>
<th>Signature &amp; Affidavit</th>
<th>#1-22-3.1E3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aaron D. Rance</td>
<td>2554 Manwood Ave</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Commissioner - District 1 - (4 Year Term)

Joshua W. Rardin | 1100 Dexter Ln | X | X | X | YES |

Commissioner - District 2 - (4 Year Term)

Candidates will draw for positions on the ballot on Thursday, January 12, 2012 at 5:01 p.m. - Review Calendar Dates.

*Mr./Mrs. _________ was not certified because his/her Declaration form was not complete.

THE CLERK

- Certification of Candidates
  - BY 5:00 P.M. ON JANUARY 10, 2020
    (§1-22-3.1E3)
  - Review Declarations, Certificate of Voter Registration and Petitions (if required)
  - Documents Submitted Prove that Individual is qualified to be a candidate (§1-22-3.1E3 & 1-22-10)
    - Registered Voter Within Municipal Boundaries
    - Resident of Municipality

*Mr./Mrs. _________ was not certified because his/her Declaration form was not complete.*
THE CLERK

• Certification of Candidates cont’d

  Individuals NOT Certified as Candidates

  • Failure to Submit any of the Required Documents in §1-22-3.1E3

  • Failure of Name and/or Address on Declaration to Match Name and/or Address on Certificate of Voter Registration (Should Have Been Caught on Candidate Filing Day)

  • Candidate Does not Live in District in Which They are Seeking Election

THE CLERK

• Order of Candidates on the Ballot

  • Drawing by Lot for Ballot Order (§3-8-29 A)

  • The order of candidates for the same office in a municipal officer election shall follow the randomization method established by rule by the secretary of state for the regular local election. (§1-22-3.1E6)

THE CLERK

• Required Notification Posting of Certified Candidates

  • By 5:00 P.M. ON JANUARY 10, 2020

  • Municipal Clerk must notify candidates in writing that they are certified (§ 1-22-3.1E3)

  • By 5:00 P.M. ON JANUARY 21, 2020 (§ 1-22-3.1E6)

  • Municipal Clerk must send a copy of the certified ballot to printer

  • Municipal Clerk must send a certified copy of the ballot to the Secretary of State (§ 1-22-3.1E6)
THE CANDIDATE

- Write-In Candidate Filing Day (§1-22-3.1E4)
  - JANUARY 14, 2020 (1 Week Later)
  - 9:00 A.M. TO 5:00 P.M. (note new starting time)
  - Same Documentation Required as a Declared Candidate on the Ballot

- Write-In Candidate Certification
  - JANUARY 17, 2020 (§1-22-3.1E4)
    - Notify the candidate in writing by 5:00 P.M.

THE CLERK

- Ordering Election Supplies and Ballots (§3-8-18 A & B & §3-8-29)
  - Recommend order supplies by JANUARY 10, 2020
  - There is no longer a statutory deadline for ordering supplies

- Election Ballots (§1-22-10C-E & §1-10-8C)
  - Office to be Filled and Term (Mayor, Council and then Judge)
  - The Names of the Candidates Running for Office Exactly as Shown on Declaration of Candidacy in the Order Determined by the Randomization rule
  - A Space to Write-In the Name of a Declared Write-In Candidate Per Position (if Any) (§1-10-13)
  - District Designation if Applicable
  - No Party Affiliations
  - If two or More Candidates Have the Same or Similar Name, the Occupation and, if further differentiation is necessary, the Year of Birth, shall be Printed on the Ballot Under the Candidate’s Name (§1-10-6B)
  - Any Ballot Question
THE CANDIDATE

- Withdrawal of Candidacy (§1-10-6C)
  - BY JANUARY 14, 2020 AT 5:00 P.M. (7 days after filing day)
  - Office of the Municipal Clerk
  - Affidavit Filed by Candidate
  - Name Will Not Be Placed on the Ballot
  - Votes Cast for Candidate SHALL NOT be Counted or Canvassed

- Withdrawal of Write-In Candidate (§1-10-6C)
  - BY JANUARY 21, 2020 AT 5:00 P.M. (7 days after filing day)

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THE CANDIDATE

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Challenge Candidacy (§1-22-10B)

B. Any voter may challenge the candidacy of any person seeking election at the regular local election for the reason that the person does not meet the requirements for the office sought by filing a petition in the district court within seven days after the day for filing a declaration of candidacy. The district court shall hear and render a decision on the matter within ten days after the filing of the petition. The decision of the district court may be appealed to the supreme court within five days after the decision is rendered. The supreme court shall hear and render a decision on the appeal forthwith.
THE VOTER

- To Challenge a Candidacy: (§1-22-3.1E5)
  - A Petition must be filed with district court by January 14, 2020 at 5:00 P.M. (7 days after candidacy filing)
  - District court must render a decision by January 24, 2020 (10 days after petition filed)
  - The decision may be appealed to the Supreme Court by January 29, 2020 (5 days after decision rendered)

- To Challenge a Write-In Candidacy: (§1-22-3.1E5)
  - A Petition must be filed with district court by January 21, 2020 at 5:00 P.M. (7 days after candidacy filing)
  - District court must render a decision by January 31, 2020 (10 days after petition filed)
  - The decision may be appealed to the Supreme Court by February 5, 2020 (5 days after decision rendered)

THE CLERK

- Ordering Ballots (§1-22-3.1E6)
  - By January 21, 2020 (42 days before election)
  - Recommend send ballot sooner, then update printer of changes
  - Send the certified ballot to the Printer with the Names of All Candidates and Positions on the Ballot
  - Inform the Printer of any Withdrawals
  - Inform the Printer of any Write-In Candidates
  - Inform the Printer of any Court challenges to Candidates
  - Double Proof Ballots Before Confirming with Printer

- Ordering Other Election Supplies
  - All supplies are new this year
  - Absentee/Early Ballot Applications, Envelopes
  - Absentee/Early Instructions
  - Sample Ballots (§1-10-10)
    - English & Spanish
    - Made available in “reasonable quantities” to all interested persons at the municipal clerk’s office, in each polling place, and on the municipal website.
    - Required to Order a Total Number Equal to at Least 5% of the number of Qualified Electors in each Precinct or Consolidated Precincts
THE CLERK

• Ordering Other Election Supplies
  • Miscellaneous Forms
  • Posters/Signs
  • Any Supplies Needed for Election Day
    • Election Precinct Worker Badges/Challengers/Watchers
    • Instructions for Election Precinct Workers
    • Instructions for Challengers/Watchers

THE CANDIDATE

• Withdrawal of Write-In Candidacy (§1-10-6C)
  • By 5:00 p.m. on January 21, 2020
    (7 days after filing date)
    • Affidavit Filed by Candidate
    • Office of Municipal Clerk
    • Votes for that Candidate SHALL NOT be Counted or Canvassed

THE CLERK

• By January 21, 2020 (on or before 42 days before election)
  • Municipal Clerk Appoints Election Board and Translators for Each Polling Place (§1-2-6)
  • Governing body no longer appoints and now called Election Board (§§3-8-19C and 3-8-22)
  • Appoints Absent Voter Election Board (§1-2-14)
  • Immediate Notification to Election Board Members Sent By Municipal Clerk in writing (§1-2-14)
  • Response Required Within 14 Days (two weeks, §1-2-14) after notice sent (was 7 days)
  • Names Posted in the Clerk’s Office Until April 27, 2020 (45 days after canvass (§1-13-13)
  • Election Supplies Delivered by Printer (immediately-examine-them)
THE CLERK

- **Between February 11 and February 25, 2020** (not more than 21 nor less than 7 days before election day)
  - **PUBLISH ONCE Twice** in English and Spanish (§§1-11-1, 2 & 3)
  - Give notice of election and set forth the purpose of the election
  - List all qualified candidates whose names shall appear on the ballot
  - List all qualified declared write-in candidates for each of the offices to be filled
  - Give the address or location and the hours of operation where the election is to be held: office of the municipal clerk, each alternate voting location and mobile alternate voting location (if applicable), and each election day polling place
  - Ballot Questions
  - Election Precinct Board Members and Alternates for Each Precinct
  - Precincts in Each Election District (if Applicable)
  - May Add Notice of Election Training for Precinct Board

THE CLERK

- **January 25, 2020** – (§1-6-9.2A) Beginning ten days before an electronic voting machine is issued for absentee voting, the county clerk may begin to prepare, inspect and seal the voting machine in accordance with Section 1-11-6 NMSA 1978.
- **January 28, 2020** - (§1-22-3.1 D6) Military-overseas ballots shall be sent to federal qualified electors beginning thirty-five days before the election.
- **January 31, 2020** - (§1-11-11A). Voting Machines / Electronic Vote Tabulators to be used for early voting should be delivered at least 3 days before early and absentee voting begins.
- **February 4, 2020** EARLY and ABSENTEE voting begin on the same date. (§§1-6-5F, 1-6-5.7A)

THE CANDIDATE

- **Challengers & Watchers (§1-2-27) (§3-8-31)**
  - By 5:00 P.M. on February 25, 2020 (7 days prior to polls open)
  - Appointment of Watchers agreed upon by any three candidates for elective office
  - Candidates must provide written notice to Secretary of State
  - Secretary of State will notify Municipal Clerk by February 27, 2020 (5 days prior to polls open)
  - One Challenger and Alternate Per Polling Place
  - Watchers may be appointed for early voting or election day
  - One Watcher per polling place
  - Watchers shall be voters of a precinct located in the county in which they are appointed (§1-2-22)
THE CANDIDATE

- Challengers & Watchers (§1-2-22) (§3-8-31D)
  - CANNOT BE
    - Sheriff/Deputy Sheriff
    - Marshal/Deputy Marshal
    - Municipal/State Police Officer
    - Candidate or Family (Spouse, Parent, Child, Brother or Sister)
    - Municipal Clerk/Deputy Clerk

QUESTIONS??

[Image of a cartoon character at a desk with a question mark above their head and various objects on the desk, including a calculator, a book, a tablet, and a pencil]
Absentee & Early Voting
1-6-1 to 1-6-25
1-6B-1 to 1-6B-17
1-6C to 1-6C-9
1.10.12 NMAC
1.10.22 NMAC

Ida Fierro, CMC
Clerk/Administrator
Town of Bernalillo

Irma Devine, MMC
Clerk
Village of Ruidoso

What is Absentee Voting

“absentee” means the ability of the voter to receive, fill out and return a ballot at a place and time other than a polling location on the day of the election

- 1-6-1.1 NMSA 1978

Who can vote Absentee?

A voter may vote absentee in all candidate contests and on all ballot questions as if the voter had appeared on the day of the election to vote in person at a polling location.

- 1-6-3 NMSA 1978
1.10.12
NMAC
Provisional
Voting

1.10.22
NMAC
Absentee
Voting

Forms of Absentee Voting

• Absentee by mail

Early Voting
in person by machine
**Absentee/Early Voting Dates**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 28, 2020*</td>
<td>Transmit ballot to federally qualified electors (UMOVA)*</td>
</tr>
<tr>
<td>February 4, 2020*</td>
<td>First day to mail out ballots</td>
</tr>
<tr>
<td>February 4, 2020*</td>
<td>Early voting begins</td>
</tr>
<tr>
<td>February 27, 2020</td>
<td>Last day to request mail ballot</td>
</tr>
<tr>
<td>February 28, 2020</td>
<td>Last day to mail ballot</td>
</tr>
<tr>
<td>February 29, 2020*</td>
<td>Last day to early vote</td>
</tr>
<tr>
<td>March 3, 2020</td>
<td>Last day to accept/receive absentee ballot from voter</td>
</tr>
</tbody>
</table>

**Let the Voters Know!**

- Public Service Announcements (PSAs) and Signs let the voters know about Absentee and Early Voting!

**You will need:**

- 2 Voting tabulators: (Absentee and Early)

- Either use Ballot on Demand (BOD)  
  OR order pre-printed ballots  
  *(for most people – recommend BOD)*

- New Absentee/Early forms and supplies
Absentee by Mail

- Voter requests application
- Application sent
- Voter returns completed application
- Application is accepted or rejected
- If accepted, ballot packet is mailed to voter
- Voter completes ballot and mails back to Clerk
- Ballot is received, noted and placed in ballot box

Uniform Military and Overseas Voters (UMOVA) (1-6B-2)
and Federal Qualified Electors (1-1-4.1) (3-9-1)

- Members of the armed forces, spouses, dependents (Absent Uniformed Services voters)
- Citizens temporarily residing outside the territorial limits of the United States
- These voters may need more time to send/receive applications and ballots

UMOVA Voters (1-6B-7)

- Check with County Clerk for UMOVA registration currently on file (by January 24th)
- If on file, ballot must be transmitted/sent by January 28th

See: UMOVA Sequence of Events for 2020
**UMOVA Voters (1-6B-7D)**

- The Federal Qualified Elector may request the method of transmission: electronic mail (E-Mail) or other equivalent electronic transmission available to the clerk.

- If no method of transmission is selected by the Federal Qualified Elector, the clerk transmits using the most reasonable expedited means available.

**Application Process 1-6-4 3-9-4**

- Application must be requested from the Clerk’s office or through the Secretary of State’s online application process.

- **ANYONE** can request an application.

- Applications are NOT automatically sent to voters! (as for General and Primary elections)

  Remember the purpose:  
  *to protect the secrecy of the ballot!*

**Processing the Application 1-6-5 3-9-4**

- Contact County Clerk to determine if applicant is a qualified elector of the municipality.

- After mail in voter registration closes – check voter list.

- If rejected – notify applicant.

- If accepted, process application.
Rejection of Application

**1.10.12 NMAC 3-9-4(F)**

- **Reasons for Rejection:**
  - Application not on correct form
  - Applicant does not have a valid voter registration on file
  - Incomplete application: e.g. no signature
  - Incorrect information on application
  - Applicant a registered voter, but not a resident of municipality
  - Applicant is a federally qualified elector or federal voter, but not entitled to vote in the municipal election.

If rejected, must notify applicant in writing and include reasons:

- As soon as practicable up to 23 days prior to the election (February 9, 2019)
- Within 24 hours of rejection (February 9-28)

If incomplete – send new application and include Secretary of State internet portal address

Absentee Ballot Register

**1-6-6 3-9-5**

- Record of each absentee application
  - Includes: date & time application received, whether application accepted/rejected, date ballot delivered/sent to voter, if voter required to submit documentary identification
- Must be available for inspection during regular office hours.
- Send list of accepted applicants (ballots issued) to County Clerk daily
  - **NOTE**: Ballot on Demand does this automatically
Ballot on Demand

- A computer system programmed with all of the ballot styles and printers that use toner cartridges to print the ballots.
- The ballot on demand system records a log of voters, and the ballot for that voter’s precinct is printed. Only prints the number of ballots needed.
- The system also maintains the log of voters and prints an “application” for early voting that is signed by voters at the site.
- Available from Automated Election Services

Allocating Absentee / Early Ballots

- There is only one shipment of ballots
- Check ballots when you receive them
  - Check beginning /ending numbers
  - Verify everything is accurate
- Estimate number of ballots needed for Absentee /Early period
  **Store these ballots separately**
- Seal remaining ballots for Election Day

Security for Unvoted Pre-Printed Ballots

**1.10.12.18 NMAC**

- Ballots are store in a locked ballot box with two (2) keys
- Ballot box stored in locked room with tabulator
- Each day, the ballot box unlocked and beginning ballot number noted (it must match the ending number from the previous day)
- No voting may proceed until any discrepancy is resolved.
Deposit Funds with Local Post Office

- Secretary of State has established a Business Reply Mail Permit
- Estimated cost is $1.48 per piece ($0.55 postage + $0.83 processing)
- Check previous years for number of absentee ballots as an estimate of how much to deposit.
- USPS will not release ballots without payment
- Details on this are still being formulated!

Issuing the Ballot

1-6-8 3-9-6

- Absentee packet includes:
  - Ballot
  - Instructions to voter
  - Inner Envelope (for ballot)
  - Mailing Envelope (for inner envelope – mail back to Clerk)
    postage prepaid for voter
  - Transmittal Envelope (mail entire packet to voter)
  - If voter is required to submit ID, if ID not provided prior to mailing – voter is sent a provisional envelope (1.10.12.9 NMAC)

Provisional Voting

1.10.22 NMAC

- Provisional votes are cast when:
  - a voter whose name does not appear on the roster at the polling place, or on the county voter file
  - a new voter who has not provided the required identification to vote
  - when a replacement ballot for an absent voter is required*
  - in the event of an emergency, as defined in Section 1-6-16.2 NMSA 1978.
Issuing the Ballot to a Blind Voter 1.10.12.9 NMAC

- Blind or Visually Impaired voters may:
  - Execute a statement certifying blindness or visual impairment
- Ballot is provided through electronic transmission (similar to UMOVA ballots)
- Official Transmission Envelope designed to allow blind or visually impaired voter to distinguish

Intimate Partner Violence (IPV) Survivor Suffrage 1.6C-1 to 1.6C-9

- Prevents the stalking of an Survivor of Intimate Partner Violence through the voter registration lists
  - Allows the voter to vote by absentee
  - Allows voter to maintain confidential address

Issuing the Ballot to an IPV Survivor 1.6C-1 to 1.6C-9

- IPV Survivor is certified as a participant in the program (voter-participant).
- The Administrator (member of the Secretary of State’s staff who runs the program) is the only contact with the IPV survivor.
- On the 35th day before the election (January 28, 2020), the Administrator requests the blank ballots from the Clerk.
Issuing the Ballot to an IPV Survivor
1.6C-1 to 1.6C-9

- A random identifier (in place of the voter-participant’s required voter ID) and a verification code (in place of the voter-participant’s signature)
- Clerk enters random identifier in absentee register and the address of the confidential substitute address program
- You must transmit ballots to the Administrator to be mailed to the voter-participant (by January 31, 2020)

Issuing the Ballot to an IPV Survivor
1.6C-1 to 1.6C-9

- Ballot will be returned to the Clerk with the random identifier listed.
- Ballot is then processed as any other absentee.
- After election, provide list of voter-participants who voted, using the random identifier, and a list of returned election mail for any voter-participant.

Emergency Absentee Voting Procedures
1.6-16.2

- After the time to request 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, and who is unable to vote in person, may request in writing that a provisional paper ballot be made available to the voter.
- Steps are in 1-6-16.2
Return of mailed out ballots

1-6-9 3-9-7

- Ballots can be returned to the City:
  - By mail (postage prepaid)
  - By the voter in person, by a caregiver to the voter or by a member of the voter’s immediate family (spouse, children, parents or siblings of voter) (1-6-10.1) (3-9-8)
- Note on Absentee Register and mailing envelope - date/time ballot returned
- Place UNOPENED Ballot in ballot box until Election Day (1-6-10) (3-9-8)

Return of Ballots

UMOVA Overseas & Federal Voters

- Return using same methods as mailed ballots
- In addition, UMOVA Ballots may be by E-mail or other equivalent electronic delivery available to the clerk (1-6B-8)
- Print the e-transmitted ballot and place in a holding envelope. Seal and place in ballot box. Note on Absentee Register and envelope - date/time ballot returned

What is Early Voting

1-6-5.7 3-8-37.1

- Vote in person, on a machine, prior to election day
- Begins 28 days before the Election
- “early voter” means a voter who votes in person before election day, and not by mail; --1-1-5.1 (3-9-1(C))--NMSA 1978
Opening/Closing Polls

1.10.12.12 NMAC

• When voting machines are used (3-9-7C):
  The room must be locked and unlocked with a witness
  Each day turn on machine – record public counter
  At end of day – record last public counter number

Early Voting Process

• Voter comes to City Hall, requests application
• Voter completes application at City Hall.
• Application is accepted or rejected
• If accepted, ballot is issued to voter
• Voter completes ballot and places it in the voting tabulator (machine)
• If Voter requires assistance – note it on the Absentee Register

UNVOTED BALLOTS CANNOT LEAVE CITY HALL

ID Documentation

• If a Voter required to submit ID documentation presents it – the Voter receives a ballot to place in the tabulator

• If a Voter required to submit ID documentation does NOT present it – the Voter receives a provisional ballot and envelopes and is NOT allowed to place the ballot in the tabulator
Required Voter Identification  
**1-1-24**

- **A. (1)** an original or copy of a current and valid photo identification with or without an address, which address is not required to match the voter’s certificate of registration; or
- **A. (2)** an original or copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and address of the person, the address of which is not required to match the voter’s certificate of registration; or
- **B.** a verbal or written statement by the voter of the voter’s name, registration address and year of birth; provided, however, that the statement of the voter’s name need not contain the voter’s middle initial or suffix.

Instructing the voter

The Clerk’s Office will instruct voters on the MECHANICS of marking a ballot and using the envelopes and/or the machine.

**NOTE:**

You are NOT telling the voter how to mark a ballot!

Opening/Closing Polls  
**1-6-5.7A(2) 3-9-4K**

- The Clerk’s office is NOT a subject to the rules of a polling place during absentee/early voting.

- **RECOMMEND** adopting a local ordinance against campaigning in **ANY** municipal building.
End of Absentee/Early Voting

- The closer you get to Election Day, the more interest you may have in Absentee/Early voting.
- All ballots to be mailed must be requested by Thursday, February 27th by 5:00 pm
- All ballots mailed by Friday, February 28th
- Last day to vote early: Saturday, February 29th 10:00 am - 6:00 pm
  Note: you MUST be open that Saturday!

Pre-Election Day

- You will need a separate Absentee Election Board. *(1.10.12.15 NMAC)*
  *(نظام)*
  this is done as part of the Election Resolution
- Notify Election Precinct Board how ballots will be counted (by hand or by machine)
  *all ballots counted by machine*
- Review the Absentee/Early Voter List from the County Clerk against the Absentee Register and Signature Rosters

Election Day – Clerk Duties

- After 7:00 a.m. deliver ballots and register to Election Board.
- NOTE: The Clerk must stay and watch the election board count and match names on absentee register. open the mailing envelopes and deposit ballots (in inner envelope) in ballot box.
- Presiding Judge issues receipt of number of envelopes to the Clerk.
Absentee Ballot not Received
(Election Day)

**1-6-16.1 3-9-13.1**

- Voter completes affidavit *did not and will not vote the mailed ballot*
- Presiding Judge issues provisional ballot
- Ballot placed in ENVELOPES not in MACHINE
- **IF** there is real-time synchronization between election day polling place and the qualification of ballots received by mail, the voter is issued a replacement ballot which can be fed into the tabulator.

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Election Day – Clerk Duties

**1-6-10C 3-9-10**

- Prior to 7:00 p.m. deliver any received ballots to Election Board
- Check with Post Office for any ballots prior to their closing
- At 7:00 p.m. Issue Certificate of Unreceived Absentee Ballots
- Prepare list of late received ballots for canvass

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Election Day – Election Board Duties

**1-6-14 3-9-10**

- Election board checks numbers of ballots against the register, counters, etc.
- Election Judge checks envelope for signature no signature – envelope rejected
- If envelope accepted – mailing envelope opened, inner envelope placed UNOPENED in ballot box.
- Challengers may examine mailing envelope and challenge. *No challengers in non-partisan elections*
- Precinct board may begin counting ballots prior to 7:00 PM, BUT cannot disclose results.
Procedures for Processing

1.10.12.13 NMAC

- How to handle overvote and blank ballots:
  - with voter (early voting)
  - (Voter may feed an overvoted or blank ballot into tabulator AFTER voter indicates a declaration of intent to overvote or blank ballot vote)
  - Absentee
  - Military-overseas

Penalties

- For individuals:
  - Knowingly votes or offers to vote an absentee ballot to which he is not entitled to vote.
  - Knowingly or willfully makes any false statement in an application for an absentee ballot
  - Knowingly possesses an executed or unexecuted absentee ballot outside the Clerk’s office when the ballot is not his own.

   **PENALTY: 4th degree Felony**

Penalties

- For Municipal Clerk:
  - Possession of absentee ballot materials when not authorized by the Election Code or when such materials were obtained in an unlawful manner.

   **PENALTY: 4th degree Felony**
Ready to Make Travel Plans?

Instead – Call us for help!
Election Workers

NMML 2019
Election School

Today's Talking Points:
- Purpose of Election Board
- The Overall Picture
- Recruiting and Appointment
- Composition of the Board
- Posting and Notification of Appointees
- Alternates and Vacancies
- Duties and Compensation
- Training
- Translators
- Summary

HB407 wording change

Precinct Board is now Election Board

Precinct worker is now Election Worker
Introduction
Election workers play an important part in meeting voters’ needs.

They help ensure that citizens have the opportunity to vote in their communities – an essential right and responsibility of American democracy.

- Election workers are the front-door greeters at the polling sites. Keep that in mind when you're recruiting.
- Good, committed election workers who truly care about voting CAN enthuse voters about elections.
- Negative unfriendly workers can be discouraging to voters when they arrive at the polling place to exercise their right to vote.

Purpose of the Election Board
- Administer the election on Election Day.
- Tally, confirm and report voting results.
The Overall Picture

- The entire election process is a big puzzle comprised of many pieces that fit together.

Recruiting and Appointment

(1–2–7A) (3–8–19) To qualify as an Election Board member, a person shall:
- Be a voter of the county resident qualified elector of the municipality
- Be able to read and write
- Have the necessary capacity to carry out the duties and functions of the office with acceptable skill and dispatch
- Execute the oath of office
Board members may not:

- Be a candidate to be voted on at the election for any municipal office
- Be a spouse, parent, child, brother or sister of any candidate of the election
  \[1-2-7C\]

Board members may not:

- Be married to a parent, child, brother or sister of any candidate of the election
- Be a sheriff, deputy sheriff, marshal, deputy marshal or state or municipal policeman
  \[1-2-7C\]

**Composition of Precinct Board**

- Must consist of at least 3 members
- Must have 1 Presiding Judge and 2 Election Judges
- Election Clerks may be appointed as needed
- Election Judges may also serve as Election Clerks
- At least 2 Alternates must be appointed
  \[1-2-12\]
Start making phone calls to find workers by early January. Avoid holidays.

Contact your County Clerk to request the names of the Election Board and alternates who served during the last County election.

Keep an updated list of election worker names and contact information in your office. Be sure to keep it updated as some individuals move, change phone numbers or may even pass away.

Where are some suggested places to look for workers?
- Look at retirees, Senior Center members, college students, high school students, volunteers from non-profit organizations and civic organizations.
- Do a media release to solicit interest. Facebook is a great media source.
- Your Communications Department, or a Public Information Officer (PIO), or I.T. Department could assist in soliciting Election Board members.

**New**
- Two minors may be appointed to serve on an election board under the direct supervision of the Presiding Judge.
  - The minor
    - Must meet the same requirements as a regular election board member, except they do NOT have to be eligible to vote.
    - Be 16 or 17 years old at the time of the election
    - Be a citizen at the time of the election
    - Have the approval of the minor’s parent or legal guardian
    - Attend at least one election school
    - Be appointed in the county in which the minor’s parent or legal guardian resides
    - May not serve as a Presiding Judge or Election Judge
  - 1-2-7D,E
**New**

- Must publish notice once that election boards are being appointed, and that applications for the standby list will be accepted in the Clerk’s Office.

- Deadline to publish: **December 31, 2019**

- Good experienced workers are so valuable.
  - Bad experiences can be very detrimental. Don’t hesitate to mark someone off your worker list if they do not meet the expectations.
  - **Only one Election Code** Make sure that workers know to follow the Municipal Election Code.
  - Recruit, appoint, train and educate future election workers.
Who Appoints the Precinct Board and When?

- Not less than 42 35 days before the election, the governing body shall appoint a Precinct Board. (1-2-6A) (3-8-19 C)
- Deadline: January 21, 2020

Posting and Notification of Appointees

- Upon appointment, a list of the Election Board members must be posted and maintained in the Municipal Clerk's Office and remain posted until 45 days after canvass election day. 1-2-6B
- (On or before the 40th 35th day before the election.)

- The Municipal Clerk shall notify each person appointed by mail and request a written acceptance.
- Appointee must reply within two weeks 2 days after the notice of appointment or be replaced.
- Consider including a pre-stamped envelope to help speed up the reply
- Include the date, time and location of the election school in this notice.
### Alternates and Vacancies

**Vacancy before Election Day**

- In a vacancy occurs in advance before Election Day, the Municipal Clerk appoints someone from the standby list to serve on the Election Board.

**Vacancy on Election Day**

- If a vacancy occurs on Election Day, notify the Municipal Clerk to find a qualified alternate.
- The Municipal Clerk may appoint a qualified person to fill the vacancy.

1-2-15

### Duties and Compensation

**Are Election Workers Required to be at the Polls All Day?**

- **MAYBE!** If election workers work all day, workers should not leave the polling site until the election is complete.
- Workers are responsible to provide their own food and drinks and should coordinate breaks to allow voters to continue voting.
**New**

- **SHIFT SCHEDULE:** The Municipal Clerk may schedule election workers into **TWO** work shifts on Election Day.
  - The Clerk may determine length of each shift, but first shift **MUST** start **1 hour** before the polls open.
  - Presiding Judge must work **BOTH** shifts that day.
  - Clerk must notify Secretary of State that shifts are being used.

1-12-2.1

(1-12-3) (3-8-20) The Secretary of State shall prescribe the duties of the election board, including duties that, during the conduct of the election, the presiding judge may reassign between judges and election clerks.

Copies of such duties shall be furnished to each county clerk, and the clerk shall distribute them to each precinct.

*[Check with your County Clerk for this information.]*

- The Presiding Judge shall declare the polls open at 7:00 a.m. and declare closed at 7:00 p.m.
- The Presiding Judge shall ensure the voting machine or machines are not tampered with, and are attended at all times.
- The Presiding Judge must have voting booths inspected frequently to ensure that no campaign literature has been left in the voting booth.
The Presiding judge and the election judges shall maintain order in the polling place and may call state or local law enforcement officer to enter a polling place to assist in the maintenance of order. (1–12–4, 1–20–17)

An election official, a member of the precinct board, a watcher or challenger shall not disclose the name of any candidate for whom any voter has voted. (1–12–18)

There is no electioneering in any form closer than 100 feet from the building the election is being held. (1–20–16)

It is unlawful for members of the Board to possess alcoholic liquor or illegal drugs while performing official duties on election day. (1–20–21)

At the close of the polls, count the votes cast on each question, if any, and for each candidate, if any, and perform all duties as required by the Code.

Pay for Precinct Workers

Members of an Election Board shall be compensated at not less than the federal minimum hourly wage rate nor more than $200 on election day (1–2–16) (3–8–19E)

Election Board members are considered seasonal employees by PERA and ERA

Alternates may receive no more than $20 for being required to stand by
Poll Worker Conduct

- Poll officials shall conduct themselves in a friendly and professional manner at all times;
- Be familiar with and observe N.M. statutes, regulations, rules, policies and procedures regarding conducting elections;
- Be aware of the position of trust you hold and increased obligation to voters and at all times, act honestly, ethically and with integrity;
- Avoid behavior that could reasonably be perceived as harassment, intimidation, discrimination on any basis, bullying or threatening in any way;

Poll Worker Conduct

- Poll officials may not campaign at the polling location or attempt to influence any voter or other poll officials as to their vote for or against a candidate or issue (social media);
- Poll officials may not place any food or drink on the check-in table, or on or near any voting equipment or supplies;
- Poll officials shall remain attentive to voters and not engage in extracurricular activities while voters are in the polling locations (i.e., reading, knitting, checking mobile phones, using electronic devices, etc.);
- Be courteous of other workers.

Training

Election School

- The Municipal Clerk shall hold an election school for all precinct workers and alternates not less than 5 days before the election.

1-2-17
**Election School**

- Publish notice not less than 4 days before the school
- Mail notice to all precinct workers and alternates not less than 7 days before the election (may be included on the initial appointment notice mailed to the board)

  > 1–2–17

**Election School**

- No person shall serve on a board unless they have attended at least one election school within previous 4 years (does not apply to alternates appointed on election day)

  > 1–2–17E

**Training**

*Election School*

- Nobody likes to hear the word “mandatory”, but...it is. Let workers know that refresher training is always beneficial for everyone.
- If you’re using BOD computers, you should allow Election Board members to do a test run on a computer during the training. This helps determine skills, abilities, etc.
- The official Election School helps all of us establish good rapport with the workers.
Electoral School

- Make sure to explain that all Elections now allow for Provisional Voting.

- The Election Code does not require a Photo ID. (Exceptions: first-time voter registration by mail or if a Photo ID ordinance has been adopted by your municipality.)

Electoral School

- Explain everything that you want the Election Board to know. They won't know unless you tell them.

- Be simple in explanations – not too detailed.

Electoral School

- Ask a County Clerk representative and/or Voting Technician to attend the school and make a demonstration.

- Have a short handout packet for workers to take home and read afterwards.
Election School

- When Presiding Judges pick up supplies and sign oaths of office, have a brief meeting and highlight the important things they need to remember (a “mini election school refresher”)

Election Day Evaluation

- After the election is concluded and returns are canvassed and complete, contact each of the Presiding Judges by phone and ask them to evaluate their workers and their day at the polling site. Seek any suggestions for improvement at the next election.

- In your database on Election Workers, keep good notes which will assist in selecting workers for future elections.

Translators

Am I required to have an election translator?

- Oral assistance shall be made available to assist language minority voters who cannot read sufficiently well enough to cast a vote

  - 1–2–19A
Language minority means a person who is an American Indian or of Spanish heritage and unable to sufficiently read or understand the ballot or understand instructions for operating the voting machine.

Native American translators must be made available if any precinct contains 5% or more Native Americans.

Requirements for an Election Translator

- An election translator shall be appointed and take the oath required of precinct board members and shall meet the same qualifications as other precinct workers unless oral assistance to language minorities can otherwise be rendered by a member of the regular Election Board.

- Must provide list of appointed translators to Secretary of State not later than 30 days before the election.

Deadline: February 2, 2020. (This is a Sunday....so the deadline rolls to Monday but do it early rather than late.)

Other Interesting Statutes

- Did You Know?
- Power of attorney and proxy voting is prohibited. 1–1–5.5
- Inspection of the polling place is required at least 30 days prior to election. 1–3–18
- Voters lists and signature rosters 1–12–6
- Conduct of election – “required voter identification” 1–12–10
- Removal of paper ballot from polling place is prohibited. 1–12–61
Summary

- Follow the election law
- Follow the calendar
- Start early to find workers
- **Train and Educate** the workers!

Important: Make sure *you* understand the content of what you are teaching the workers. If you have questions, don’t hesitate to call a fellow Clerk and ask.

- Request feedback and identify ways to improve

Now, let's talk about

**Y - O - U**
Let's Get **FOCUSED**

- **F** - Friendly. Smile, say hello, develop those all-important relationships.
- **O** - Organized. Manage your time and prioritize tasks to accomplish what's important first.
- **C** - Competent. Know what you know and know it well.
- **U** - Understanding. Have the ability to see it from another person’s point-of-view.
- **S** - Sincere. Treat others the way you like to be treated.
- **E** - Energized. Be passionate and enthusiastic about what you are doing and the direction you’re headed so others will want to follow.
- **D** - Dependable. Do what you say you’re going to do.

**ATTITUDE**

- Most importantly...in order to connect with people, you have to have a good attitude.
- If you assigned a number value to each letter in the word **attitude** with the letter “A” getting 1, “B” getting 2, “C” getting 3 and so forth...here’s what you get:

<table>
<thead>
<tr>
<th>Letter</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>1</td>
</tr>
<tr>
<td>T</td>
<td>20</td>
</tr>
<tr>
<td>T</td>
<td>20</td>
</tr>
<tr>
<td>I</td>
<td>9</td>
</tr>
<tr>
<td>T</td>
<td>20</td>
</tr>
<tr>
<td>U</td>
<td>21</td>
</tr>
<tr>
<td>D</td>
<td>4</td>
</tr>
<tr>
<td>E</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

**Have a Positive ATTITUDE!**

*Attitude is everything.*
Election Day

Clerk’s Role – Election Board’s Role and the Voting Process

Jan Fletcher, CMC, City of Hobbs - Georgianna Rael, CMC, Town of Red River
Rebecca Martinez, CMC, City of Rio Rancho

Clerk’s Role on Election Day?
- The City Clerk is the administrator of the Election, however this huge undertaking cannot be done alone!
- This presentation will provide an overview of how the various pieces of decision making, pre-planning and coordinating come together on Election Day.

Delivery of Election Supplies
- Coordinate with Presiding Judge (PJ) to pick up supplies prior to Election Day.
- Supplies are usually provided throughout the weekend or the Monday before Election Day.
- A checklist of supply items is provided in the Election Day Guide and should be used as a starting point.
Swearing In of Election Officials

- PJ and Election Board members shall be sworn in prior to 6:00 a.m. Election Day.
- The Municipal Clerk conducts swearing in usually after Election School.
- The PJ is able to swear alternate Election Board members in, if necessary.

Payment of Election Board

- §1-2-16 provides that pay for services shall be at the rate of not less than the federal minimum hourly wage rate ($7.25 per hour) nor more than $200.00 for an election day.
- An additional payment can be provided for Election School.
- $$$ How much do you pay? $$$

Appointing Standby Election Board Members

- §1-2-9 By December 31, 2019 publish a notice that Election Boards will be filled, how many members on each board and that applications for a standby list will be taken.

  Note: Individual alternates are no longer appointed to each polling place. Each standby must have attended Election School.
Delivery of AB Register and Ballots

- After 7:00 a.m. the AB register, AB’s, absentee daily reports and the vote tabulator are delivered to the Absentee Election Board.
- PJ will issue a receipt for the number of envelopes received and for the absentee tabulator (§1-6-11B,C).
- Deliver ballots that have come in during the day or ballots that have been picked up at post office.

Election Board’s Role

- The Election Board conducts and oversees the election process and tallies the vote at close of polls.
- Election Board members shall not disclose the name of any candidate for whom a voter has voted.
- Election Board shall remain at the polling place until all duties of the board are completed and released by Clerk.
- Note: §1-2-9 allows the Clerk to schedule Election Board members into two work shifts.

PJ Duties

Are the PJ duties different from the other officials?
- PJ is in charge on Election Day.
- PJ opens the polls at 7:00 a.m.
- PJ maintains order.

PJ IS IN CHARGE of the polling place ON ELECTION DAY.

CLERK IS ULTIMATELY RESPONSIBLE FOR THE ELECTION – THIS IS WHERE PLANNING AND ORGANIZATION COME IN...
Maintaining Order

Who is permitted in the polling place while voting is taking place? §1-20-17A(1)

- Election Board
- Voters engaged in voting (and their assistant if needed)
- Law enforcement officer performing official duties
- Messengers, agents or staff of the Municipal Clerk
- Credentialed watchers or observers, if any
- Election officials having business in the polling place

Maintaining Order

Who is not permitted in the polling place while voting is taking place?

- Members of the media (unless they are voting)
- Candidates (unless they are voting)

Maintaining Order

Prevention of crowding of the Polling Place
§1-12-4B: Crowding or disruption of the voting process shall not be permitted in the polling place.
- Admittance of voters to the polling place shall be controlled and limited to prevent crowding or rushing the Election Board in the performance of its duties.
Electioneering Too Close to the Polling Place §1-20-16A

- Consists of any form of campaigning within:
  - 100 feet of building where polling place is located on election day when voting at a school, church or private residence; and
  - 100 feet of door which voters enter to vote at the Clerks Office or any polling place on election day that isn’t a school, church or private residence
- What is considered campaign material?
- A person in violation of this is guilty of a misdemeanor.

Handling Obstructions at the Polling Place §1-20-17

- Obstructing the polling place consists of approaching nearer than fifty feet or willfully blocking the entrance/exit to polling place during the election except those who are permitted in the polling place.
- Whoever obstructs the polling place is guilty of a petty misdemeanor.

Handling Disturbances at the Polling Place §1-20-17

- Disturbing the polling place - creating any disorder or disruption at the polling place on election day or interfering with the conduct of election or with a Election Board, voter, or watcher in the performance of his duties.
- Whoever disturbs the polling place is guilty of a petty misdemeanor.
The Voting Process....

Who May Vote (§ 1-1-4) (§1-1-5.10)

Qualified Electors: Any resident of the state who is qualified to vote per NM & US Constitution and includes any qualified resident.

Qualified Resident: An individual under the age of eighteen (18) and who otherwise satisfies the NM’s eligibility requirements as a qualified elector or a federal qualified elector.

Observers (1-1-3.2)

- Person registered with the US dept of state as an international election observer or with the NM Secretary of State (SOS) who is an academic engaged in research on the election process.
Watchers and Observers (§1-2-27)

- Appointed by any group of three (3) candidates for elected office upon written notice to the SOS at least seven (7) days prior to serving during early voting (January 14, 2020) or Election Day (February 25, 2020) and specify the names of the qualified appointees.
- SOS notifies Clerk by 5 days prior to election (January 16 or February 27)

Watchers & Observers (1-2-29)

Shall be permitted to:
- Be present at the polling place
- Observe the conduct of elections
- Examine the voting tabulator before the polls are opened;
- Make written notes; and
- Watch counting of ballots.

Shall NOT:
- Perform any duty of the Election Board, to include handling of ballots, signature rosters, voter lists or voting tabulators;
- Count ballots; or
- Interfere with the orderly conduct of the election.

Regular Voting Procedures (§1-12-7.1)

<table>
<thead>
<tr>
<th>Clerk</th>
<th>Clerk</th>
<th>Judge</th>
</tr>
</thead>
<tbody>
<tr>
<td>STEP 1</td>
<td>Voter announces name and address.</td>
<td>Election Clerk locates name in BOD/signature roster and the voter signs the signature roster.</td>
</tr>
<tr>
<td>STEP 2</td>
<td>Election Clerk (BOD) issues a voter permit that includes the person’s voter registration number.</td>
<td>After the ballot has been marked, the voter takes the permit and ballot to the voting tabulator.</td>
</tr>
<tr>
<td>STEP 3</td>
<td>After the ballot has been marked, the voter takes the permit and ballot to the voting tabulator.</td>
<td>The Election Judge verifies the permit and AFTER the voter has voted writes public counter number on the permit. Voter permits shall be kept in consecutive order so they are made a part of the election returns.</td>
</tr>
</tbody>
</table>
**Challenges** (§1-12-20 – 1-12-22)

A challenge may be interposed by a Election Board member if the voter:

- Is not registered;
- Is recorded as receiving an AB;
- Has already cast a ballot in the election
- Is not a qualified elector;

---

**Provisional Voting** (§1-12-8)

**When does this occur?**

- Voter not found in BOD system/Signature Roster
- Record shows an AB sent to voter – Voters who don’t received or vote the AB must execute an affidavit of non-receipt (on Prov. Envelope) to vote (§1-6-16.1)
- Voter doesn’t provide ID when required
- Record indicates voter has already voted
- If a challenge is unanimously affirmed by the PJ and 2 Election Judges (1-12-20)

---

**Example of Provisional Transaction**

1. Voters who do not provide required ID –
   Election Clerk: Explain that a Provisional ballot will be issued, and that a physical ID must be provided to the Municipal Clerk’s Office no later than 5:00 p.m. on 2nd day after Election Day for ballot to be counted.

   (1-12-7.1 and 1-12-10, NMSA 1978)
Example of Provisional Transaction

1. Election Clerk: If voter wishes to continue, follow BOD instructions to enter the voter’s information (or issue ballot and have voter sign signature roster).

2. VOTER: Must verify info and sign signature pad/roster. This must be done before a ballot is printed/issued.

3. Election Clerk: BOD will generate Provisional ballot/voter permit. Verify permit and ballot match the precinct in BOD. Issue ballot, Provisional envelope (NME-28), Inner Secrecy Envelope (NME-29) and permit.

4. PJ: Escort voter to designated location to mark ballot. Fill out Section A & F on the envelope (NME-28) and write Precinct # on Inner Secrecy Envelope (NME-29). Instruct voter to fill out back portion of ballot envelope completely.

5. VOTER: Fill out Section B-E and boxes 1-9 on envelope (both sides). Place marked ballot into Inner Secrecy Envelope (NME-29) and then in Provisional envelope (NME-28), before sealing/handling to PJ.

6. PJ: Verify envelope is filled out completed before putting in Provisional transmission envelope. File voter permit in designed file. All required info must be filled out on envelopes to qualify ballot. Provisional ballots must NEVER be inserted in voting tabulator or leave polling place.

7. PJ: Give voter the red “Provisional Voter Notice” attached to Provisional Envelope after voter has completed ballot. (1-12-25.2, NMSA 1978)

8. PJ: A physical count of total issued Provisional ballots must be conducted and reported on Roster Cover.

9. PJ: Must verify info and sign signature pad/roster. This must be done before a ballot is printed/issued.

Example of Provisional Transaction

1.10.22
NMAC
Provisional Voting
Provisional Ballots – Post Election

- Qualification process
- Notification to voter
- Appeal process
- Reporting and Canvassing

These steps are included in 1.10.22 NMAC…

AB’s returned at Polling Place

§1-12-8.2

- WHERE: AB’s can be dropped off during voting hours at any of the polling place on Election Day.
- WHO: Voter or voter’s immediate family member can drop an AB off. Immediate family member means: the voter, their spouse, parents, siblings, children or their caregiver.
- HOW: When AB is dropped off it must be sealed in its outer return envelope, signed and dated.
- POLL OFFICIALS: Fill Chain of Custody with voter name, date/time of delivery and have the deliverer sign it. This form records delivery of the AB’s. The PJ will sign the Chain of Custody when the AB’s are delivered to the Clerk at the end of the evening. PROVIDE AN ENVELOPE OR BALLOT BOX FOR AB’s

Voter Assistance (§1-12-12)

A voter may request assistance in voting only if the voter is:

- Blind;
- Physically disabled;
- Unable to read or write;
- Is a member of a language minority who is unable to read well enough to exercise the elective franchise; or
- Isn’t able to operate a voting tabulator or mark a ballot.
Voter Assistance (§1-12-15)

Assistance CANNOT be provided by:

- A candidate;
- The voter’s employer or agent of employer; or
- An officer or agent of the voter's union.

Assistance CAN be provided by an Election Board member.

- A member of the Election Board who assists a voter shall not disclose the name of any candidate or questions for whom any voter voted.
- The name of the person assisting the voter is recorded on the voter permit signature roster.

Translators (§1-2-19)

- Translators shall be an additional member of the Election Board - shall be sworn-in and required to meet all qualifications as other Board members.
- Shall be appointed by the Clerk.
- Clerk shall seek the advice of pueblo or tribal officials when appointing American Indian translators.
- This assistance must also be notated on the voter permit or Signature Roster.

Disclose the Vote – The “Selfie” statute (§1-12-59)

- A Voter may, on the voter’s own initiative, and using whatever form of communication or media chosen by the voter, voluntarily communicate any information regarding:
  - the name of any candidate whom the voter voted or abstained
  - The vote on a ballot question (affirmative or negative)
  - Any information regarding the manner in which the voter marked a paper ballot in an election
Closing the Polls (§1-12-26)

- 7 p.m. PJ announces polls are closed.
- Voters in line shall be permitted to vote.

After closure, only the following may be present while the votes are counted (§1-12-29):
- Election Board
- Candidates or declared representatives
- Members of the news media
- Certified Watchers and Observers
- Municipal Clerk Employees (§1-2-12)

ONLY Election Board members may handle ballots, returns, and signature rosters.

Closing the Tabulators

- After the last person has voted, the door shall be locked and the results tapes from the tabulators shall be printed.
- When complete, tear off the tape and have 3 Election Board members, to include the PJ sign each tape on the signature area.
  - 1st results tape attached to the Zero tape for the Municipal Clerk
  - 2nd results tape for the SOS
  - 3rd results tape to be posted on the outside of the polling location front door

Ballot Removal and Accounting

- Remove 1 memory card to be returned to Municipal Clerk
- Provisional Ballots: Must be returned in the provisional transmission envelope with all other election returns on Election night by the PJ.
  - Count provisional ballots and write total on the Signature Roster Cover. This # should match total # of provisional ballots issued throughout the day.
- Hand Tally Ballots: Any ballots from the emergency bin that couldn’t be tabulated must be hand tallied.
  - Count the total # of hand tally ballots. Write total on the Signature Roster by tabulator
  - Place ballots in an envelope labeled hand tally ballots and submit to the tabulator
  - Ballots shall be counted in accord with §1-1-5.2
- Voter Permit Count:
  - Count and record the # of permits on the Signature Roster Cover. This # should match the public count #, plus the hand tally ballots. Secure permits and deliver to Municipal Clerk
Ballot Removal and Accounting

- **Write-In Ballots:** Any ballots diverted to the write-in bin must be removed and the write-in contest (only) hand tallied.
  - After the tallying of write-in ballots, place them in an envelope labeled write-in ballots and specific to the tabulator.
  - Amend the results tapes to reflect only the "qualified" votes for the write-in candidate. If no valid votes, the N of votes cast for write-in candidate shall be crossed out and a "0" should be written in.
  - Ballots shall be counted in accord with §1-1-5.2

- **Voted Ballots:** Please voted ballots in the corresponding ballot box and lock the box.
  - Separate the ballot box key sets (2 locks per box). One key must be returned to Municipal Clerk.
  - ELECTION JUDGE (of an opposing party): Place the other key into the District Court Judge envelopes and mail on Election night after dismissed.
  - The voting tabulator keys and Security Token in envelope specific to each tabulator for return to Municipal Clerk.

Unopposed Write-in Candidates

(§1-13-24B)

To receive a certificate of election from the SOS, an unopposed write-in candidate must receive either:

- 100 votes OR
- Ten percent (10%) of the total number of ballots on which the office appears that are cast in the regular local election

- Example: John Smith received 10 write-in votes for Councilor. There were 98 ballots cast that included the office of Councilor. Was John Smith elected?

Closing the Polls §1-12-30.1 & 1-12-66

The Presiding Judge shall complete the cover of signature rosters and place the appropriate items in the envelopes addressed to SOS and to the Municipal Clerk.
Signature Roster Election Day

Part 1 – Ballot Accounting

A = Tabulator ballots cast
B = Hand tally ballot totals
C = Provisional ballots voted

Total = A + B + C = Box 2

Signature Roster Election Day

Part 2 – Voter Accounting

Total = # SIGNATURES in Roster
Total Part 1 = Total Part 2

Part 3 – Unused Pre-Printed Ballots

Total Part 3 = Voted Ballots minus Spoiled Ballots

Part 4 – Certification

- All info must be complete
- Must be signed

The Clerk’s Role after the Polls Close

- The Clerk shall:
  - Determine the number of AB mailed but not returned and shall prepare a report for canvass. (§1-6-10D)
  - Must also destroy any unused ballots and complete a written affidavit.
  - The Clerk’s office shall remain open for the purpose of receiving Election Board returns and verify all returns have been provided. (§1-12-33)
Envelope for SOS (§1-12-66A)

Shall include:
- The voter checklist or if using BOD the list will be pulled electronically;
- One copy (2nd copy) of the signed & amended (write-in) tabulator-printed return tape;
- One copy of signed Signature Roster Cover; and
- One copy of the tally sheets, if not used put “0” and sign.
- This envelope must be immediately mailed to SOS after all certificates have been signed.

Envelope for District Court (§1-12-31C)

Shall include:
- One ballot box key for each ballot box used.
- This envelope must be immediately mailed to district court by an Election Judge (opposite party of PJ) after all certificates have been signed.

Envelope for Municipal Clerk (1-12-31)

Shall include:
- One copy (1st copy with zero tape) of the signed & amended (write-in) tabulator-printed return tape;
- All ballot box keys* (except keys mailed to District Court);
- Signed Signature Roster Cover;
- One voter registration list or if using BOD the list will be pulled electronically;
- 1 Memory cartridge for all voting tabulators;
- Provisional Ballots Envelope & Chain of Custody;
- AB Envelope & Chain of Custody;
- Spoiled Ballot Envelope;
- One copy of the tally sheets, if not used put “0” and sign;
- Oath forms or VR forms executed on ED;
- Voter Permits;
- Tabulator keys and Security Token;
- Poll Official Pay sheets;
- All unused election supplies; and
- The locked ballot box containing all voted ballots.
We’re all here for you. Turn to any of us, the Clerk’s Facebook group, or the Municipal League.

Jan Fletcher
jfletcher@hobbsnm.org
(575) 397-9207

Georgiana Rael
grael@redriver.org
(575) 734-2277

Rebecca Martinez
rmartinez@rrnm.gov
(505) 220-5189
Post Election Duties
2020

Renee Cantin, CMC
Clerk-Treasurer, City of Truth or Consequences

Lisa Johnston, MMC
Asst. City Clerk (retired), City of Artesia

What is a Canvass?

• §1-13-4 3-8-54 – The county clerk shall:
  • A. prepare the report of the canvass of the election returns by carefully examining the returns of each precinct to ascertain if they contain the properly executed certificates required by the Election Code and to ascertain whether any discrepancy, omission or error appears on the face of the election returns; and
  • B. present the report of the canvass to the county canvassing board for the board’s consideration and approval.

Qualifying provisional, absentee and other paper ballots

1-12-29.1

• A. The secretary of state shall issue rules to create a uniform process and set of criteria for deciding if provisional, absentee and other paper ballots shall be counted. [1.10.12 & 1.10.22 NMAC]
• B. 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.
**County Clerk Qualification process steps for provisional ballots**

*1.10.22.9 NMAC*

- Keep ballots separated by type (absentee, early, election day) and by location
- Read aloud the name and address on the ballot envelope
- Determine the registration status, county of registration and correct precinct of the provisional voter (use statewide voter file)
- Is physical form of ID attached (if required)
- Notate findings on ballot envelope
- Separate qualified and unqualified ballots
  (only qualified will be counted)

  *You will need to work with your County Clerk to qualify provisional ballots*

---

**Tabulation & Canvass of Qualified Provisional Ballots**

*1.10.22.10 NMAC*

- Qualified provisional ballots are tallied by voting method and by precinct
- Hand tallying is conducted by a team of at least two persons
- During hand tallying, the identity of voters shall be screened from observers
- After canvass, clerk prepares provisional ballot report

---

**Provisional voter notification and hearing process**

*§1-12-25.2
1.10.22.11 NMAC*

- Secretary of state provides a toll-free number or website to allow voter to ascertain if vote was counted, and if not, the reason ballot not counted

- Clerk must notify provisional voters by mail the reason the ballot was NOT counted
  *(March 4-13, 2020)*

- Voters may appeal until the Friday before the state canvassing board meets *(March 20, 2020)*
Canvass – Time Frame & Location

• Time Frame for the Canvass
  • §1-13-13A §3-8-53.A – A. 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 (March 9th) (and no later than ten days (March 13th) from the date of the election.

• Location
  • §3-8-53.D – County Commission Room at County Offices

Who can serve on the canvassing board?

§1-13-1 §3-8-53.A.1-3

• A. The board of county commissioners is ex officio the county canvassing board in each county.
• B. The board of county commissioners may designate the board of registration to serve as the county canvassing board for the county. The designation shall be made in the polling place resolution adopted pursuant to Section 1-3-2 NMSA 1978 and is valid for all statewide and special elections conducted within the county until the expiration of the resolution.

The Canvassing Board

1-13-5 to 1-13-9

• The Canvassing Board hears the Canvass report and approves the report OR summons the Election Board if there are defective returns and, as a result, a recheck is required.

• Canvassing Board’s role, including the Clerk
  — The Municipal Clerk shall be the presiding officer of the municipal canvassing board.
  — The Canvassing Board proceeds to verify the tapes for the totals, as well as, the signature roster certificates to make sure the numbers match. They also need to verify the number of voters.
How to resolve a Tie Vote

§1-13-11 3-8-60

- In the event of a tie vote between any candidates in the election for the same office, the determination as to which of the candidates shall be declared to have been nominated or elected shall be decided by lot. The method of determining by lot shall be agreed upon by a majority of a committee consisting of the tied candidates, the county chairmen of the political parties that participated in the election and the district judge. The county canvassing board shall issue the certificate of nomination or election to the candidate chosen by lot.

Certificate of Canvass

§1-13-13B 3-8-53.C

The county canvassing board, immediately upon approval of the report of the canvass of the returns of an election, shall issue a certificate of canvass of the results of the election and send one copy of the certified results to:

1. the county clerk (and municipal clerk);
2. each local governing body with a candidate or ballot question receiving votes from any precinct in the county;
3. the secretary of state;
4. the state records center;
5. the state canvassing board, in the case of a statewide election or a special state election and the results are for candidates or ballot questions voted on by the voters of more than one county; and
6. in the case of a municipality whose laws provide for a top-two runoff, the municipality and the county clerk, if the results indicate the need for a top-two runoff election.

§1-13-23B Requires a copy be preserved as a permanent record in a separate book maintained for recording the results of elections.

(Could we file them with our Minutes?)

After Canvass

- Notify County Clerk of the names of those voting on Certificates, if any.
- County Clerk takes custody of and secures voting machines. 1-13-22
Challenges to the Results

- Three kinds: Recheck, Recount and Contest

- Recheck – re-run the ending tapes from a tabulator

- Recount – re-tabulating all paper ballots

- Contest – court challenge by an unsuccessful candidate AFTER the certificate of election has been issued

What is a Recount or Recheck?

§1-14-14A & C § 3-8-68

- A. Whenever any candidate believes that any error or fraud has been committed by any precinct board (election board) in counting or tallying the ballots, in the verification of the votes cast on the voting machines or in the certifying of the results of any election whereby the results of the election in the precinct have not been correctly determined, declared or certified, the candidate, within six days after completion of the canvass by the proper canvassing board, may have a recount of the ballots, or a recheck of the votes shown on the voting machines, that were cast in the precinct.

- Application is filed with the district judge

- Period for application: Based on when canvass complete, but last days are March 16-19, 2020

What is a Recheck?

- A recheck opens a voting tabulator and ending tapes are re-run

- Two kinds of rechecks:
  - Required (§1-13-7) – when defective returns cannot be corrected without a recheck of the voting tabulator
  - Initiated by the candidate or petition of twenty-five (25) voters (§1-13-9)
Recheck Costs

§1-13-10A requires a deposit or surety bond in the amount of ten dollars ($10.00) for each machine to be checked.

§1-14-15 states that sufficient cash or surety to cover the cost of recheck shall be deposited.

Recount Costs

§1-14-15

• Applicant for recount deposits with canvassing board sufficient cash or surety bond to cover the cost of a recount for each precinct for which recount is demanded.
• The state canvassing board determines the estimated actual cost of a recount per precinct and posts on the secretary of state’s website.

New Mexico State Canvassing Board

Cost Determinations – Estimated Actual Cost of Recount & Recheck Proceedings

1. Introduction

We refer to the documents previously deposited and required to be provided in support of the canvassing board’s decision to hold recounts. The board has determined the estimated actual cost of recounts and posts the information on the secretary of state’s website.
Recount or Recheck Proceedings

§1-14-16

- Canvassing Board orders Clerk to assemble a recount election board
- Board members selected from pool of recent election officials
- Clerk, Board and District Judge meet on date fixed and tabulators and ballot boxes are opened
- Election Board conducts the recount, re-tally or recheck
- Proceedings are open for anyone to observe
- When completed, ballot boxes and tabulators re-locked
- Results are certified to canvassing board

What is a Contest?

§1-14-1 3-8-68

Any unsuccessful candidate for nomination or election to any public office may contest the election of the candidate to whom a certificate of nomination or a certificate of election has been issued.

Contest Procedures

§1-14-1 to 1-14-5

- Complaint of contest filed in district court no later than 30 days from the issuance of the certificate of election (April 27, 2020)
Procedures for a Recount or Recheck (after certificate of election is issued)

• Candidates Responsibilities
  – Find out available options from the clerk.
  – File application with district judge after certificate of election for an office is issued
  – Pay required deposit
• Clerk’s Responsibilities
  – Be able to convey what is involved in the process to a requesting candidate.
  – Once notified an application is filed, appoint a recount election board.

Procedures for a Recount or Recheck (after certificate of election is issued)

• Election Precinct Board’s responsibilities
  – Recheck the votes cast on tabulators, or recount and retally the ballots and/or absentee ballots cast.
  – Disposition of the ballots
  – Certify Results
• Canvassing Board’s responsibilities
  – Recanvass the returns based on certificates of recount or recheck.

1.10.23 NMAC Procedures for Recounts, Audits, Rechecks and Contests
Outcome of Recount or Recheck

- If the winner is changed, notify Secretary of State who will revoke certificate of election already issued & issues a new one.

Swearing in the New Officials
Clerk’s Responsibility

- §1-13-16C Secretary of State issues a certificate of election to the winning candidate no sooner than 24 days after the election (March 27, 2020)

- Term of office will begin April 1, 2020 (§1-22-18)

- Administering the oath of office may take place anytime after the certificate of election is issued

1.10.14 NMAC
Ranked Choice Voting and Top-Two Run off Elections
Swearing in the New Officials
Clerk’s Responsibility

• Administer the oath of office, §14-3-3 3-8-338
  Any person that is authorized by law to
  administer oaths, the Municipal Clerk or
  Municipal Judge.

Swearing in the New Officials
Newly Elected Candidate’s Responsibility

• Arrange for Qualified person of choice to
  administer the oath of office

• Take Oath of Office

Organizational Meeting
after an election

• An organization meeting is held by the
  Governing Body, where the Mayor shall submit
  for confirmation by the Governing Body, the
  names of the persons who shall fill the
  appointed offices (3-11-5)

• In Commission-Manager governments – the
  organizational meeting is when a mayor is
  selected from among the commissioners
  (3-14-10)
Organizational Meeting

- What else generally occurs at an organizational meeting?
  - Selection of Mayor Pro-Tem
  - Adoption of Open Meetings Act Resolution

When does the Organizational Meeting take place?

- In Commission-Manager governments – the first meeting after an election, or as soon thereafter as practical (3-14-10) (first meeting after April 1, 2020)

- For Mayor-Council governments – there is no statutory date set (3-8-33H was repealed)
  Recommend use same timeline as Commission-Manager

Retention of Records §1-12-69

- Retain marked paper ballots and all records relating to voting for 45 days after county canvassing board or state canvassing board has adjourned, whichever is later
  (Note – Destruction will be either April 23-27, 2020 or May 9, 2020 – will depend if we have to wait for the state canvassing board)

- If there is a recount, judicial inquiry or inspection of contents, the ballots and records will be held 45 days after recount, inquiry or inspection complete.

- Only use destruction methods approved by the state records administrator

- NOTE: Once the 45 day period is over, paper ballots marked by voters, their digitized equivalents and records related to voting may be inspected under the Inspection of Public Records Act (they are exempt until the 46th day)
Congratulate yourself!
You made it through another election cycle!

Questions?
Election School Wrap Up

Renee Cantin, CMC
Gayle Jones, MMC
Lisa Johnston, MMC
Randy VanVleck, NMML

WHAT HAVE WE LEARNED?

• Why we hold elections
• Who the players are
• Steps to conducting an Election
• Resources and Tools
• Things to consider

PREPARE YOURSELF

• Read
  Chapter 1-1 through 1-22
  in Election Handbook

• Review
  materials – where do you find them?

• Research
  your municipal records –
  what happened last election?
BE PREPARED FOR

DON’T FORGET TO TAKE CARE OF YOU!

LIFE AFTER....
QUESTIONS?

YOU’RE NOT IN THIS ALONE!

• CALL SOMEONE!
• Municipal League  1-800-432-2036
• Other Clerks

Municipalities with next election in March 2020 (36)

<table>
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<tr>
<th>Artesia</th>
<th>Corrales</th>
<th>Grants</th>
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<th>San Ysidro</th>
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YOU’RE NOT IN THIS ALONE!

- Contact Renee Cantin –
- Ask to be added to the CLERKS group!
- Good information -- Safe place!

ARE YOU READY FOR...?

2020 ELECT...