

Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

Questions Involving Access to the Ballot:

1. It is after 7:00 AM and the polling place is not open.

Immediately contact the County Clerk to report the problem. You can find information on County Clerks at <http://www.sos.state.nm.us/sos-CClerk.html>.

If the polling place is open at 6:00 a.m. but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available.

2. It is 7:00 PM and my precinct is closed or closing and they will not let me vote.

If the voter arrives after the time the polls are expected to close, the voter may not vote. If the voter is still in the polling place or in line at the door when the polls close, the polls will be kept open to allow the voter to vote. Also, the voter may want to immediately contact the County Clerk to report the problem. You can find information on County Clerks at <http://www.sos.state.nm.us/sos-CClerk.html>.

3. There are equipment problems at my precinct and I cannot vote. What should I do?

Encourage the voter to ask to vote by emergency paper ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

Identification and Provisional Ballots:

1. I do not have any identification with me. Can I vote?

Yes, but the voter must provide a verbal or written statement of the voter's name, registration address, and year of birth.¹ After providing this, the voter can cast a REGULAR ballot. If the voter is a first-time voter who registered by mail and did not present acceptable identification at

¹ NM STAT. ANN. § 1-12-10(B), 1-12-8(B)(2008)

that time, the voter may vote by PROVISIONAL ballot.² If possible, a voter should be encouraged to go and get an ID and NOT cast a provisional ballot.

Acceptable forms of identification include:

- Current and valid photo identification with or without an address (address does not have to match the voter's certificate of registration)
- utility bill
- bank statement
- government check
- paycheck, student identification card
- other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and address of the person (address does not have to match the voter's certificate of registration)
- a verbal or written statement by the voter of his/her name, registration address and year of birth (does not require middle name, middle initial, or suffix).

2. I am a registered voter who is not on the rolls at my precinct. Can I vote?

Confirm that the voter is a qualified to vote (i.e., meets the age, criminal status and competency requirements found on page 5 of the manual) and that the voter registered in time to vote in this election. Next, using the online poll locator tool, make sure the voter is at the correct polling place.

If the voter has registered on time, is eligible, and is in the correct polling place, direct the voter to ask the poll worker to call the county clerk and confirm their registration. If the voter still is not on the rolls, let them know that the voter can vote provisionally. This is a LAST resort, as provisional ballots will only be counted if the county clerk can later verify the voter's registration status before the election is certified.

3. Poll workers are turning voters away if they don't have photo ID.

Encourage the voter to go back inside the polling place and demand the right to vote by a REGULAR ballot (unless the voter is a first time voter who registered to vote by mail and has not previously provided a copy of their ID, in which case they can vote by provisional ballot).

Contact a Commander immediately.

4. I have been offered a provisional ballot. What should I do?

Provisional ballots are a LAST resort. A provisional ballot will not be counted until the County Clerk has determined the reason the provisional voter's name was not on the signature roster, or whether the voter has provided the required identification.

² NM STAT. ANN. § 1-4-5.1 (1)(4)(a), (b)(2008)

Provisional voters wishing to determine the disposition of their ballot may call the Office of the Secretary of State fourteen days after the election. The toll-free number is 800-477-3632. The voter will have to provide his or her name, address, date of birth and social security number to receive this information.

Where to Vote:

1. Where do I vote (for voters who have not moved)?

You can look up polling locations at www.vote411.org. You can also contact the office of your county clerk. (See <http://www.sos.state.nm.us/sos-CClerk.html>)

2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?

If the voter has moved within the same precinct, the voter should go to the appropriate polling place for that precinct. If the voter registration list still lists the voter's old address, the voter will be asked to update their registration. If the updated address is within the precinct, the voter must be permitted to vote.³

3. I have moved to a different precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?

The voter should go to the new polling location that corresponds to the voter's new address, complete and sign a Notice of Change of Address and vote a provisional ballot.⁴

4. I have moved from one county to another and have not updated my address for voter registration purposes. Where should I vote?

The voter should go to the appropriate polling place in the voter's NEW COUNTY and vote a provisional ballot.

A voter will be permitted to vote by provisional ballot even if his or her name does not appear on the signature roster if: (1) his or her residence is within the boundaries of the county, (2) the voter is not on the list of absentee voters, and (3) the voter executes a statement swearing or affirming to the best of the person's knowledge that the person is a qualified voter, is currently registered and eligible to vote in that county and has not cast a ballot or voted in that election.

To update his or her registration, a voter who has changed residence to a different county within the state must (1) complete a certificate of registration and file it with the appropriate County Clerk, and (2) cancel his or her registration in his or her previous county of residence

³ <http://www.sos.state.nm.us/pdf/NMElectHdbk.pdf>

⁴ <http://www.sos.state.nm.us/pdf/NMElectHdbk.pdf>

before registering in the new county.⁵

Assistance at the polls:

1. I am physically disabled and need assistance; will my polling place be accessible?

New Mexico law requires that a designated polling place within each precinct be accessible to physically disabled voters.⁶ If a voter reports that the designated polling place for his or her precinct is not accessible to the handicapped, alert a Commander immediately.

2. I am blind, physically disabled, unable to read or write, or cannot read English and require assistance at the polls in order to vote. Can I get assistance at the polls?

A voter requiring assistance at the polls for any of the reasons stated above can take a person of their choice into the voting booth (except employer, an agent of employer, an officer or agent to his/her union or a candidate who appears on the ballot). If a poll worker refuses to the voter to bring a person of their choice into the voting booth, alert a Commander immediately.⁷

Also, voters have the right to receive ballots, instructions, and other voting materials in Spanish statewide; to receive voting materials in Navajo in Bernalillo, Cibola, McKinley, Rio Arriba, San Juan County, Sandoval, and Socorro counties; to receive voting materials in Pueblo in Bernalillo, Catron, Cibola, Mora, Sandoval, Sante Fe, Taos, and Valencia counties; and to receive voting materials in Ute in San Juan county.

Miscellaneous Issues:

1. I have been approached by candidates or others at the polls.

All poll monitors, including Election Protection volunteers, must stay at least 100 feet from the entrance to the polling place. People can solicit you if they comply with this rule. If they are violating the 100-foot requirement, alert a Commander immediately.⁸

2. What if I requested an absentee ballot but I want to vote in person on Election Day?

Individuals to whom an absentee ballot has been issued, whether the ballot has been cast or not, may *not* vote in person on Election Day.⁹

⁵ <http://www.sos.state.nm.us/pdf/NMElectHdbk.pdf>

⁶ Help America Vote Act of 2002 Section 261. Also see http://www.sos.state.nm.us/Main/Elections/PDFs/FINAL_HAVA.pdf

⁷ <http://www.sos.state.nm.us/2008/NMElectHdbk.pdf>

⁸ N.M.S.A. 1978, § 1-20-16

⁹ <http://www.sos.state.nm.us/2008/NMElectHdbk.pdf>

3. There are people at the polls trying to intimidate voters.

Contact a Commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Commander so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. Also, alert the call center manager.¹⁰

4. I have a felony conviction. Can I vote?

Yes. New Mexico law permits convicted felons to vote so long as they are not currently serving a felony sentence of incarceration and have completed any parole or probation.¹¹

5. I am a college student, can I vote where I go to school?

College students may register and vote where they go to school provided that they consider that location their residence. The residence of a person is that place in which his or her habitation is fixed, and to which, whenever he or she is absent, he or she has the intention to return.¹² Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, durational residency requirements) and that they have registered on time for this election.

If a properly registered student is turned away at the poll, contact a Commander to dispatch an attorney to the location and contact the appropriate election official.

¹⁰ N.M.S.A. 1978, § 1-20-14. Also see Voter Bill of Rights available at <http://www.sos.state.nm.us/sos-BRenglish.html>

¹¹ N.M.S.A. 1978, § 31-13-1

¹² N.M.S.A. 1978, § 1-1-7

APPENDIX A

NEW MEXICO COUNTY CLERKS

Bernalillo County Clerk's Office (505) 468-1290	Lincoln County Clerk's Office (575) 648-2394
Catron County Clerk's Office (575) 533-6400	Los Alamos County Clerk's Office (505) 662-8010
Chaves County Clerk's Office (575) 624-6614	Luna County Clerk's Office (575) 546-0491
Cibola County Clerk's Office (505) 285-2535	McKinley County Clerk's Office (505) 863-6866
Colfax County Clerk's Office (575) 445-5551	Mora County Clerk's Office (575) 387-2448
Curry County Clerk's Office (575) 763-5591	Otero County Clerk's Office (575) 437-4942
De Baca County Clerk's Office (505) 355-2601	Quay County Clerk's Office (575) 461-0510
Dona Ana County Clerk's Office (575) 647-7421	Rio Arriba County Clerk's Office (505) 753-1780
Eddy County Clerk's Office (575) 885-3383	Roosevelt County Clerk's Office (575) 356-8562
Grant County Clerk's Office (575) 574-0042	San Juan County Clerk's Office (505) 334-9471
Guadalupe County Clerk's Office (575) 472-3791	San Miguel County Clerk's Office (505) 425-9331
Harding County Clerk's Office (575) 673-2301	Sandoval County Clerk's Office (505) 867-7573
Hidalgo County Clerk's Office (575) 542-9213	Santa Fe County Clerk's Office (505) 986-6280
Lea County Clerk's Office (575) 396-8622	Sierra County Clerk's Office (505) 894-2480

Socorro County Clerk's Office
(575) 835-0423

Taos County Clerk's Office
(575) 737-6400

Torrance County Clerk's Office
(505) 246-4737

Union County Clerk's Office
(505) 374-9491

Valencia County Clerk's Office
(505) 866-2073