

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The New Mexico 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.

Notes for Poll Watcher Volunteers:

1. Volunteers should stay AT LEAST 100 FEET from the polling place.

NM law restricts **electioneering** to at least 100 feet from the polling place, and prohibits **obstructing the polling place** by approaching closer than 100 feet during the conduct of the election.

2. Can I wear political T-shirts or buttons while serving as an poll watcher for this program?

No! Absolutely not. This is a nonpartisan program. Our poll watchers are expected to keep their political opinions to themselves on Election Day. So don't wear any partisan or even politically-tinged apparel, etc., or engage in any partisan conversations while working with the program.

3. What do I do with the big “Problems Voting?” signs?

If you're certified poll watcher you may enter a polling place. Only one poll watcher is allowed in the poll at a time. Please leave the sign outside at least 100 feet from the entrance to the polling place with the phone number side showing. If you're observing activities on the outside of the polling places, hold or stand next to the sign at a distance of 100 feet or more from the entrance of the polling site.

4. Who may NOT serve as a poll watcher?

Candidates and close kin of candidates for election, including their spouses, parents, children, siblings, and parents-in-law may not serve as a poll watcher. Sheriffs, deputy sheriffs, marshals, deputy marshals, and state or municipal police officers cannot serve as poll watcher.

5. Watchers may not:

Watchers may not perform any duty of a precinct board member; handle the ballots, signature rosters, voter checklists or voting machines; take part in tallying the votes; view a voter's full date of birth or any of a voter's social security number; or interfere with the election's orderly conduct.

FREQUENTLY ASKED VOTER QUESTIONS

Access to the Polling Place and Ballot:

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

Immediately contact your County Clerk (list on the last page) to report the problem and call 505-323-6399.

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

A voter who arrives **after** the time the polls are expected to close may not vote. If any voters are still in the polling place or in line at the door when the polls close, the polls must be kept open to allow the voters to vote. If a voter **was in line when the polling place closed** but was turned away, instruct the voter to remain and call the county clerk. If the county clerk is not helpful call 505-323-6399.

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

The voter should be allowed to vote on a regular paper ballot. Poll officials should feed these ballots into the emergency slot on the optical scanner until a technician arrives from the County Clerk's office to fix the machine. When the equipment is fixed the ballots contained in the emergency slot should be fed through the scanner.

4. A voter has been asked to leave the polling place because they are wearing a partisan t-shirt, button, or other campaign material.

It's not clear at this time whether clothing and other "wearable" campaign materials are considered "electioneering" or whether they're protected by the 1st Amendment. Advise voters that they are likely to be asked to leave the polling place if they're wearing these items. Suggest that they remove buttons or wear a jacket over a partisan t-shirt or turn the t-shirt wrong side out. Getting to vote is what is important, now.

Identification and Provisional Ballots:

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

A voter who has voted before or newly registered in-person must provide a verbal or written statement of his or her name, registration address, and year of birth. The voter can then cast a REGULAR ballot. No physical ID is necessary.

2. Poll workers MAY NOT REQUIRE a voter to provide a photo ID.

Newly registered voters who registered by mail must provide some form of identification, but it does not have to be a photo ID. Contact 505-323-6399 immediately if voters report that poll workers are requiring photo IDs.

Acceptable forms of identification include an original or a copy of one of the following items:

- Current and valid photo ID, with or without an address (e.g., driver's license or ID card)
- Utility bill
- Bank statement
- Government check
- Paycheck
- Student identification card
- Other government document, including identification issued by an Indian nation, tribe, or pueblo, or car registration showing the voter's name and address

IMPORTANT:

The address on the identification document DOES NOT HAVE TO MATCH the address on the voter's registration.

A photo ID IS NOT REQUIRED.

3. The address on documentary ID provided by a voter IS NOT REQUIRED TO MATCH the address where the voter is registered.

Call 505-323-6399 if voters report that poll workers are not accepting identification with a different address than the voter's registered address.

A first-time voter who registered by mail and did not present acceptable identification at that time, and who does not have acceptable identification on Election Day, can vote by PROVISIONAL ballot.

IMPORTANT: Be sure the voter understands that the provisional ballot will only be counted if s/he brings an acceptable form of identification to (1) the polling place before 7pm on Election Day, or (2) the County Clerk's office by Nov. 8, 5:00 p.m.

If possible, a voter should be encouraged to go and get an ID and cast a regular ballot instead of a provisional ballot.

4. I am a registered voter but I am not on the rolls at my precinct. Can I vote?

Confirm that the voter is over 18 years of age and that s/he was registered by Oct 9.

Check if registered at <https://voterview.state.nm.us/> or call 866-OUR-VOTE (866-687-8683) to make sure the voter is at the correct polling place. If the voter 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 the registration. If voters still can't be found on the rolls, make sure they know that they can vote provisionally.

Voters who are in the county in which they are registered but are at the wrong polling place may either vote immediately on a PROVISIONAL ballot or recommend they go to the correct polling place to vote on a REGULAR ballot.

If a provisional ballot is voted because the voter is not on the rolls, be sure the voter knows that the provisional ballot will be counted only if the county clerk subsequently confirms that the provisional voter is registered in that county. Only those votes for positions or measures for which the voter was eligible to vote will be counted.

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

IMPORTANT: A photo ID IS NOT REQUIRED. See the list of acceptable forms of ID above, and contact 505-323-6399 immediately if voters report they are being turned away because they don't have a photo ID. Encourage voters to go back inside the polling place and demand the right to vote by a REGULAR ballot.

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

If voters do cast provisional ballots, encourage them to be sure they follow instructions properly and ask for assistance if needed. Remind them that the provisional ballot will not be counted if they don't sign the ballot envelope.

If voters are offered provisional ballots because they are not on the rolls, be sure they understand that their provisional ballots will be counted only if the County Clerk subsequently confirms that the provisional voter is registered in that county. Only those votes for positions or measures for which the voter was eligible to vote will be counted.

If voters are offered provisional ballots because they could not provide proper identification, be sure they understand that their provisional ballot will be counted only if they bring an acceptable form of identification to (1) the polling location before 7 p.m. on Election Day, or (2) the county clerk's office before Nov.8, 5:00 p.m.

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)?

Call 866-OUR-VOTE (866-687-8683) for poll locations in English or 888-VE-Y-VOTA (888-839-8682) for poll locations in Spanish. You also can look up polling locations at www.vote411.org or contact your County Clerk's office

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, s/he should go to the appropriate polling place for that precinct. If the voter registration list still shows the voter's old address, s/he will be asked to update his or her registration. If the updated address is within the precinct, the voter must be permitted to vote.

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. If a voter reports that the designated polling place for his or her precinct is not accessible, ask poll workers to provide curbside voting. If that fails, call 505-323-6399 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 the voter's employer, an agent of the voter's employer, an officer or agent of the voter's union, or a candidate who appears on the ballot). If a poll worker refuses to allow the voter to bring a person of their choice into the voting booth, call 505-323-6399 immediately.

3. **Language Translation**

Voters have the right to receive ballots, instructions, and other voting materials in Spanish (statewide) and to receive voting information in the following American Indian languages in the following counties:

- Bernalillo: Keres, Navajo, Tiwa, Towa
- Cibola: Keres, Navajo, Zuni
- McKinley: Navajo, Zuni
- Rio Arriba: Navajo
- San Juan: Navajo
- Sandoval: Jicarilla, Keres, Navajo
- Socorro: Navajo
- Taos: Tiwa
- Valencia: Keres, Tiwa
- Santa Fe Pueblo languages
- Catron Pueblo languages

Miscellaneous Issues:

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

All partisan electioneers, including candidates, must stay at least 100 feet from the building where the polling is taking place, and may legally solicit voters if they comply with this rule. If they are violating the 100-foot requirement, call 505-323-6399 immediately.

Nonpartisan poll monitors who are not electioneering must stay at least 100 feet from the polling place.

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

A voter who requested an absentee ballot but never received it may go to his or her polling place on Election Day and vote on a provisional ballot. The voter will be asked to sign an affidavit affirming that s/he did not receive the requested absentee ballot.

3. **What is a challenger?**

Challengers are appointed by the county chair of a political party or if they do not the precinct chair may appoint someone to monitor the conduct of an election and, if necessary, make challenges. Challengers must wear uniform ID badges that are designed by the Secretary of State and provided by the presiding judge. Challengers may: view the signature roster before the voter receives a ballot, view the precinct voter list to determine whether someone has already voted; examine voting machines before the polls open; or make a written record of any action or omission made by any member of the precinct board.

Challenges may be made after the voter presents themselves and has signed their name. If a challenge is made it must be recorded in the signature roster, along with the reason for the challenge, the time it was made and the name and title of the person making it. An individual

ballot may be challenged for the following reasons: the person is not registered to vote; the person has already been mailed an absentee ballot; the person has already voted in the election; or the person is improperly registered, because he or she is not eligible to vote. If the challenge is supported unanimously by the presiding judge and both election judges, the voter will be given a provisional ballot; if it is not unanimously supported, the voter will be allowed to vote on a regular ballot.

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

Intimidation consists of inducing or attempting to induce fear in any member of the precinct board, voter, challenger or watcher by use of or threatened use of force, violence, infliction of damage, harm or loss or any form of economic retaliation upon a voter, precinct board member, challenger or watcher for the purpose of impeding or preventing the free exercise of voting or the impartial administration of the election. If possible, ask the voter to wait while you call 505-323-6399 . Gather as much information from the voter as possible.

5. 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, and have re-registered. More information on former felon voting <http://www.corrections.state.nm.us/news/voting.html>

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

College students may register and vote where they go to school. If a student has been turned away at the polls, determine whether they have fulfilled all of the registration requirements: the student must be 18 years old on Election Day, must not be a felon, and must have registered by Oct 9, 2012. If a properly registered student is turned away at the poll, call 505-323-6399.

7. Police at the polls.

Any member of the state police or other peace officer may enter a polling place at the request of the precinct board or election judges for the purpose of ensuring the orderly conduct of the election. Precinct officials may also designate officers to stand outside the polling place entrance to assist with voter admission. Under no circumstances may a peace officer interfere with any voter, member of the precinct board or conduct of the election. Officers who interfere with the election are guilty of a petty misdemeanor.

8. Alcohol

It is illegal to possess alcohol within 200 feet of the polling place during the election or for any member of the precinct board to use or possess alcohol while performing official duties on election day.

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