

The background of the page features a large, faint watermark of the Seal of the State of New Mexico. The seal is circular and contains an eagle with its wings spread, perched on a cactus. The text "SEAL OF THE STATE OF NEW MEXICO" is visible around the perimeter of the seal.

# **VOTER INFORMATION ADVISORY**

FOR THE

# **2022 GENERAL ELECTION**

PRODUCED BY  
THE OFFICE OF THE NEW MEXICO  
SECRETARY OF STATE

&

NEW MEXICO OFFICE OF THE  
ATTORNEY GENERAL

**ELECTION DAY IS NOV. 8, 2022**

**NMVOTE.ORG**

## **Introduction & Overview**

The 2022 General Election is an opportunity for voters across New Mexico to make their voices heard and decide on important candidates and questions that will shape the future of our great state.

Every eligible voter in New Mexico has the right to cast their ballot safely and freely, without being intimidated, threatened, or coerced. Voting is our most fundamental right and New Mexico's laws protect voters, poll workers, and election officials to maintain safety and order in and around the polling place.

Voter intimidation and discriminatory conduct, as well as obstruction or interference at the polls, is illegal under federal and New Mexico law. Any activity that threatens, harasses or intimidates voters, including any activity that is intended to, or has the effect of, interfering with any voter's right to vote is illegal, whether it occurs outside the polling place or inside the polling place.

This document provides voters, the media, and the general public with information for the 2022 General Election and includes information about:

- Dates and Deadlines for the 2022 General Election
- Mail-In/Absentee Voting
- In-Person Voting
- Who is Allowed at the Polling Place
- Prohibited Activities and Individuals at the Polling Place and Ballot Drop Box Locations

### *Know Your Rights*

All registered voters have a right to cast a secret ballot without anyone bothering you or telling you how to vote. If someone interferes with your right to vote through threats, intimidation, or coercion, or you become aware of any interference with the right of New Mexico residents to vote, please contact the NM Office of the Attorney General at 1-844-255-9210, prompt 5.

### *Use Trusted Sources for Voting Information*

Election officials, which include the Secretary of State's Office and New Mexico's 33 County Clerk's offices, are your sources for reliable and trustworthy election information. Be wary of misinformation being promoted or repeated by varying sources on television, online or on social media.

New Mexicans can find trusted information about the 2022 General Election, including polling locations, a ballot tracker, your sample ballot, and more at [NMVOTE.ORG](https://www.nmvote.org) or by contacting your county clerk.

The Secretary of State's Office also has an election misinformation fact-check page that can be accessed at [RUMOR.NMVOTE.ORG](https://www.sos.state.nm.us/rumor).

Secretary of State's Voter Hotline – 1-800-477-3632

Contact information for all 33 New Mexico County Clerks:

<https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/>

### **Dates & Deadlines**

- **October 11** – Voter registration (by mail or online) closes.
  - Same Day Voter Registration (SDR) is available for eligible voters at their County Clerk's office or at any polling location in their county on Election Day. Check with your County Clerk for Early Voting locations that may also provide SDR.
- **October 11** – First day of Early Voting (at the county clerk's office) and the first day that mail-in/absentee ballots can be mailed to voters (who have previously submitted an absentee application).
- **October 22** – Expanded Early Voting begins at voting locations throughout your county.
- **November 3** – Last day to request a mail-in/absentee ballot.
- **November 5** – Last day of Early Voting.
- **November 8** – General Election Day. Polls open 7:00am-7:00pm.

## **Mail-In/Absentee Voting for the 2022 General Election**

Voting with a mail-in (absentee) ballot is a safe and easy way to participate in the November election.

### *Applying for an Absentee Ballot*

Any registered voter may apply to receive an absentee ballot by mail. To apply online go to [NMVOTE.ORG](https://nmvote.org) or contact your local county clerk.

Beginning on October 11 (28 days prior to Election Day), county clerks will begin mailing absentee ballots to voters who have applied for one.

The deadline to apply for a mail-in/absentee ballot is November 3.

### *Completing an Absentee Ballot*

Once you receive your ballot, it is important to follow the instructions to complete the ballot including the required information on the official return envelope.

### *Returning an Absentee Ballot*

The return envelope includes pre-paid postage and is pre-addressed for delivery back to the county clerk, so you may drop it in a mailbox or at a post office or you may hand deliver the sealed absentee ballot envelope to the county clerk's office or to any polling location. You may also return your sealed absentee ballot to any secure ballot drop box in your county.

Pursuant to state law only a voter, caregiver to that voter or member of that voter's immediate family may deliver that voter's absentee ballot to the county clerk in person or by mail. "Immediate family" means the spouse, children, parents or siblings of a voter. If any one of these authorized people returns the mailed ballot of the voter, they must sign the official mailing envelope.

***In all cases, the ballot must be delivered by 7:00pm on Election Day or it will not be counted.***

What if you decide to vote in person, rather than vote your requested absentee ballot? A voter may be issued a replacement ballot when they show up at a voting location. The voter will be asked by the poll official to sign an affidavit attesting that they have not and will not vote (return) the absentee ballot previously issued and they will then receive their replacement ballot that may be voted and fed into the tabulator. If for some reason the county clerk is unable to determine whether or not the absentee ballot has already been returned by the voter, a provisional ballot may be issued in lieu of the replacement ballot for later review to determine qualification.

### *Tracking an Absentee Ballot*

You may track the status of your absentee application or ballot through the secure Voter Information Portal at [NMVOTE.ORG](https://nmvote.org). This website will provide information regarding whether or not your ballot was received by the county clerk and whether it has been accepted.

You may also contact your local county clerk for information on the status of your absentee ballot.

## **In-Person Voting for the 2022 General Election**

### *Early and Election Day Voting*

Registered voters may vote at any Early or Election Day polling location in your county. Hours of operation for Early Voting locations will vary. Check [NMVOTE.ORG](https://nmvote.org) or contact your county clerk to find a polling location near you.

All Election Day polling locations are required to be open from 7:00am to 7:00pm on November 8.

When you appear to vote in person, you will first be checked in by a poll worker who will ask you to provide voter identification – verify your name, registered address, and year of birth. Once you sign in, you will be issued a ballot and directed to a voting booth where you will be provided privacy to mark your ballot.

Once you are finished marking your ballot, you will be directed to insert it into a tabulation machine to be counted.

### *Voters with Disabilities*

You may request assistance with voting in a polling location if you are blind, physically disabled, unable to read or write or are a member of a language minority. Any person of your choice, including a poll worker, may assist you, except your employer, a union agent, or a candidate whose name is on the ballot.

Additionally, accessible voting and ballot marking devices are available at every polling location for voters who are blind or have low vision, or who have motor or hearing impairments.

### *Secured, Monitored Ballot Drop Boxes*

Ballot drop boxes are secured containers required to be under 24-hour video surveillance and are checked regularly by county clerk staff who collect the ballots.

All ballot drop boxes are an extension of a polling location. As such, electioneering within 100 feet and other prohibited activities mentioned in this document apply to all ballot drop box locations.

Pursuant to state law, only a voter, caregiver to that voter, or member of that voter's immediate family may deliver that voter's absentee ballot.

### **Who is Allowed at a Polling Place**

Aside from voters, individuals authorized to be inside of a polling location should be wearing official name badges and/or have a letter of authorization from a party chairperson or the Secretary of State authorizing their presence in a polling location.

The following persons are permitted in the polling place while voting is occurring:

- Election Board Members (aka “Poll Workers”)
  - Election board members are the workers hired by the county clerk to run the polling location. These workers are responsible for ensuring the proper conduct of voting which includes checking in voters, issuing ballots, supervising the tabulation machines, and keeping order.
  - The lead election board member is known as the Presiding Judge (PJ). At a minimum there are at least one PJ and two election judges at every polling location. There may also be any number of election clerks present as deemed appropriate by the county clerk. The PJ and one election judge are always of differing political parties.
  - The PJ is responsible for enforcing the rules for the conduct of the election at the polling place. For example: 1) who is permitted within the polling place, 2) the number of voters permitted inside, 3) electioneering rules, and 4) ensuring orderly conduct. The PJ or any election judge may call upon various law enforcement authorities to assist him or her to that end.
  
- Voters
  - Voters in the process of voting, along with their children, are allowed in the polling location. Additionally, if a voter qualifies to receive voting assistance under the law, a person may bring someone of their choice to assist them, with few exceptions. A voter may request assistance if he or she is blind, physically disabled, unable to read or write, a member of a language minority who has an inability to read well enough to exercise the elective franchise, or requires assistance in operating the voting system provided for people with disabilities.
  
- Election Staff or Messengers
  - Messengers or credentialed agents working on behalf of the county clerk or Secretary of State are authorized to be present at a polling location. These people include election staff or vendors assigned to deliver supplies, pick up absentee ballots, and troubleshoot tabulation equipment or check-in computer stations. This may also include

credentialed staff authorized to monitor the conduct of elections at a polling location.

- Challengers

- Challengers are appointed, in writing, by a county or state political party to be present at a polling location. They are required to be voters in the county to which they are appointed. Each party may have one challenger per polling location. Challengers serve as a check and balance to poll workers and may raise a “challenge” to the PJ under certain conditions. For example: 1) If the person offering to vote is not registered to vote, 2) a person has already voted in the election, or 3) a person is improperly registered or not a qualified elector. If a challenge is raised, the PJ is trained to handle this in accordance with statute.
- Challengers may not perform any duty of an election board member or touch ballots, voting rosters, or other election related materials. They should only interact with the PJ and challenges may not be made indiscriminately or without good cause.

- Watchers

- Election related organizations or any group of three candidates may appoint watchers to observe the conduct of voting in a polling location. They are required to be voters in the county to which they are appointed. The names of these people must be submitted to the secretary of state in advance of their service and, if authorized, they will be issued a letter by the Secretary of State granting them access to the polling place. These individuals are not authorized to issue a challenge but may take notes and observe the proceedings.

- Election Observers

- These individuals are registered with the US Department of State and the Secretary of State and are typically international visitors with an academic interest in the election process. These individuals will be issued a letter by the Secretary of State granting them access to the polling place. These individuals are silent observers.



- Media
  - While the New Mexico Election Code does not specifically address media in the polling place, the county clerk or PJ may choose to allow media access as long as it is not interfering with the voting process or compromising the secrecy of the ballot.
  
- The Role of Law Enforcement
  - No member of state police or other peace officers may interfere in any way with a member of the election board, a voter, or the conduct of election, except to assist in maintaining order when requested by the PJ or other election judge. The PJ or any election judge may request peace officers to assist by standing outside the polling location entrance and controlling the admission of voters to the polling place.
  - There are specific penalties in the election code against law enforcement that enter the polls without authorization. See Section 1-12-5 NMSA 1978. It is not appropriate for uniformed law enforcement to be present inside or outside of a polling location without being specifically called to assist with maintaining order by the election board or county clerk.

**Prohibited Activities and Individuals at the Polling Place and Ballot Drop Box Locations**

Anyone who intentionally refuses to permit a person to vote who is entitled to under law commits a crime under the Federal Voting Rights Act of 1965 and the New Mexico Election Code. Some specific activities are prohibited under federal and state law and are summarized in the following sections.

- Unauthorized Individuals
  - The PJ is the first line of defense in asking unauthorized individuals at a polling location to leave immediately. If an individual is resistant to following instructions or to leaving, the PJ has been instructed to contact law enforcement and the county clerk.

- Only authorized challengers, watchers, and observers are permitted inside a polling location. Self-appointed watchers, such as private citizens, individuals purportedly appointed by organizations or private militia type groups, are not allowed to linger in the polling location and can easily present a disruption.
  - Additionally, authorized challengers, watchers, or observers may not directly confront voters. They also may not use raised voices or insulting, offensive, or threatening language. No one may interfere with the duties of the election board members.
  - Persons not authorized to be in the polling place or willfully blocking the entrance of a polling place may be guilty of obstructing the polling place.
- Voter Intimidation
    - Voter intimidation is a crime under federal and state laws. Under the New Mexico Election Code, intimidation consists of “inducing or attempting to induce fear in any member of an election board, voter, challenger, or watcher by use of or threatened force, violence, infliction of damage... for the purpose of impeding or preventing the free exercise of the elective franchise or the impartial administration of the election.”
    - Some examples of voter intimidation may include:
      - Violent behavior inside or outside the polling site
      - Verbal threats of violence
      - Confronting voters while wearing military-style or official-looking uniforms
      - Spreading false information about voter fraud, voting requirements, or related criminal penalties
      - Brandishing firearms or the intimidating display of firearms
      - Aggressively approaching voters’ vehicles or writing down voters’ license plate numbers
      - Disrupting voting lines or blocking the entrance to the polling place
      - Harassing voters, aggressively questioning them about their qualifications to vote

- Following voters to, from, or within the polling place

- Firearms in Polling Places

- New Mexico has no ban on guns at polling places. However, in New Mexico brandishing or using a firearm in a threatening or intimidating manner could be considered voter intimidation. Certain locations designated as polling places may have separate statutory limitations on carrying firearms, e.g. schools.

- Electioneering

- Electioneering includes the display or distribution of signs or campaign literature, campaign buttons, t-shirts, hats, pins or other such items and includes the verbal or electronic solicitation of votes for a candidate or question.
- The New Mexico Election Code prohibits electioneering within 100 feet of a polling location or secured, monitored ballot drop box.

- Coercion & Bribes

- It is against state law to offer a bribe or accept a bribe related to voting for or refraining to vote for or against any candidate or ballot question.