

Observe New Mexico Elections



Executive Summary

Observe New Mexico Elections Findings from the 2024 General Election

Observe New Mexico Elections (ONME) is a nonpartisan election observation effort to increase trust and transparency in elections. ONME completed a full report on findings from its election watchers during the 2024 general election. On Election Day, ONME mobilized 160 election watchers in 29 of New Mexico's 33 counties. During early voting, 50 volunteers observed 91 sites in 24 counties. ONME watchers observed processes from start to finish at their respective locations. They also observed the logic and accuracy testing (testing and certifying election equipment) in 20 counties, poll worker training in 25 counties and the county canvass certification in 24 counties.

Election Day Voting

Findings

ONME's observations of voting at 160 sites across 29 counties on Election Day reflected a transparent and well-organized process with robust oversight provided by Democratic and Republican political party poll watchers, media and other nonpartisan actors. Overall, ONME watchers validated that election workers across the state complied with state electoral guidelines and organized a credible election.

160 voting locations observed

29 counties

Democrat and Republican watchers

A record number of people tried taking advantage of the opportunity for same-day voter registration, but the system was not able to meet the demand. Poll workers proactively sought to address the situation by redirecting voters to other voting locations with shorter lines, issuing provisional ballots to voters seeking same-day registration, or calling voters when they neared the front of ad-hoc virtual lines. Unfortunately, the state's same-day-registration system was overwhelmed, leading to long same-day registration lines in several counties. A few ONME watchers reported some voters leaving before voting due to long lines, with voters reporting they would visit another location or return at a later time. Although many voting locations still had lines when the polls closed, ONME watchers reported that all voters in line were able to vote.

Recommendations

Same-day Registration: For future election cycles, ONME recommends that the state ensures robust stress-testing of the bandwidth available to accommodate processing of same-day voter registrations and works closely with county clerks to increase the levels of staffing necessary to process same-day registrations in a timely manner.

Language Access: During early voting and on Election Day, ONME's watchers were unable to validate that written and oral translation services into Native languages were provided in all areas of the state covered as minority language jurisdictions under Section 203 of the federal Voting Rights Act. ONME recommends, for both early and Election Day voting, that the state and county clerks use trained translators familiar with elections terminology in order to provide materials and services easily visible and accessible to voters and comply with federal requirements.

Provisional Ballots: ONME watchers reported a lack of provisional ballots at seven voting locations. Concerningly, a presiding judge in Sandoval County reportedly told an ONME watcher that the location would not provide provisional ballots because, "*We have a same-day registration station, which makes voting with provisional ballot [sic] obsolete.*" At one location in Santa Fe, ONME's watcher reported that the presiding judge tried to provide provisional ballots to voters experiencing long lines to same-day-register but concluded that the location had not been provided with any means of producing a provisional ballot.

Provisional ballots are intended as a fail-safe mechanism for voters whose eligibility to vote is uncertain. Provisional ballots should be offered, for example, to voters who may have already cast a ballot in the election or could have been provided to voters when the state experienced long delays to same-day-register. The existence of same-day-registration does not eliminate the need for voting locations to provide provisional ballots.

ONME recommends that the secretary of state's office provide clear guidance to county election offices in future elections about how provisional ballots should be used in conjunction with same day voter registration.

Early Voting

Findings

During early, in-person voting, ONME mobilized observation of 91 voting locations in 24 counties. Watchers were trained to complete a checklist of nearly 120 questions that were pre-developed based on state law. Overall, the early voting environment was uneventful and well-conducted. ONME's watchers reported that during their observations, neither political party poll watchers nor academic watchers raised public objections to the conduct of any of the processes. Watchers did not raise concerns about any acts of deliberate fraud, manipulation, or electoral malfeasance. There was one notable instance of potential electoral violence, one significant instance of election worker harassment or intimidation, and one report of a voting disruption caused by a power outage. More information on these matters can be found in the full report.

91 voting locations observed

24 counties

120 watcher questions for voters

Recommendations

The most significant area for further improvement identified by ONME's watchers during early voting is that they were unable to validate that election-translation and interpretation services were consistently provided in Native American languages covered by Section 203 of the federal Voting Rights Act in counties designated as minority language jurisdictions.

According to the Civil Rights Division of the U.S. Department of Justice, in covered jurisdictions, *"All information that is provided in English also must be provided in the minority language as well. This covers not only the ballot, but all election information... Assistance also must be provided orally."*

Although ONME watchers reported that voting locations observed on Native lands during early voting generally complied with these provisions, voting locations elsewhere in the covered counties did not consistently make printed election materials or oral translation or interpretation services available in covered Native American languages.

ONME recommends that counties hire interpreters trained in the use of election terminology due to the complexity and specificity of election terminology, even in cases where the translator is a native speaker of the language. This is a best practice regardless of the language being translated. In addition, ONME recommends that all counties display clear signage about language accessibility and assistance in English, Spanish, and the required written Native American languages, consistent with state and federal law.

Logic and Accuracy Testing

Findings

Testing and certifying election equipment, also called logic and accuracy testing, is required in each of New Mexico's 33 counties and was observed in 20 counties at various points in the 42 days before the election. The testing process verifies that the voting system correctly processes voters' choices and accurately records and reports vote totals. Known results from a set of test ballots are compared to the voting system's report results obtained from a live test. Each ONME watcher received training to complete the pre-developed checklist based

on state law, and they observed at least one day of testing to assess whether state law and good practice procedures for testing were consistently and correctly applied.

Watchers validated that election officials across the state conducted orderly and transparent testing of election equipment and incorporated good practices to ensure the validity of the testing process. Regarding the issue of access for observers, watchers, and the public, ONME watchers reported that they and other members of the public were able to observe in each testing location except for Sandoval County.

Sandoval County required our observer to obtain a special ID prior to observing, and after acquiring that ID, was only able to observe a few hours of the process. The testing environment was generally calm and free of disruptions, influence, or intimidation, with one exception of citizen watchers disrupting the process in Socorro County. Lastly, the process was transparent.

- ✓ Access for observers, watchers, and the public
- ✓ Testing environment
- ✓ Transparent process

Poll Worker Training

Findings

ONME mobilized watchers to monitor at least one day of poll worker training in 23 counties between Sept. 17 and Nov. 4, 2024. ONME watchers used a structured observation form that included 40 pre-identified topics, drawn from the New Mexico state elections handbook and relevant, likely issues based on state election procedures.

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| Topics on the form included but were not limited to: | Same-day voter registration |
| | How to verify the machine-printed election returns |
| | When to issue provisional ballots |
| | How to close the polling locations |

While most trainings did not cover all 40 of the identified topics, ONME watchers reported that most of the selected topics were covered in the majority of the trainings they observed. Overall, New Mexico's county election officials created a positive training environment that was conducive to learning, with only one report of overcrowding and one report of difficulty seeing and hearing the content presented. ONME watchers did not witness any instances of violence, harassment, or intimidation of trainers, participants or anyone else present during the training. A rapid assessment of the accessibility of poll worker training indicated that training venues were generally accessible with limited exceptions.

Four training topics less consistently covered included: 1) How to enforce rules preventing electioneering, 2) How to enforce rules against voter intimidation, 3) How to accommodate state police officers and officers of the peace, and 4) How to meet federal language access requirements required by Section 203 of the Voting Rights Act.

Recommendations

Two of the 40 training topics assessed by ONME watchers were not covered in a majority of the training events attended: 1) How to accommodate state police officers or officers of the peace as watchers, and 2) Federal requirements under section 203 of the Voting Rights Act to offer ballots in languages including Spanish, Diné and Pueblo languages in certain parts of the state. Seventeen counties in New Mexico are required under this federal law to provide multilingual election materials, yet this topic was only covered in eight of the trainings

ONME observed: Bernalillo, Catron, Cibola, Grant, one of two McKinley, Mora, and Sandoval Counties. Although ONME watchers were present at all counties required by federal law to provide multilingual election materials, watchers reported that the topic was not discussed. Language accessibility would be an important aspect of the poll worker training process to strengthen going forward, particularly in counties that have such federal obligations.

Training topics that were less consistently covered during the sessions at which ONME watchers were present include: how to establish a 100-foot limit around the voting location inside of which electioneering cannot take place; how to enforce rules against electioneering; how to enforce rules against voter intimidation; and how to accommodate voters who require language-related assistance. These aspects of the election process might be fruitfully incorporated into future poll worker training in counties that do not currently touch on these topics as part of their typical training process.

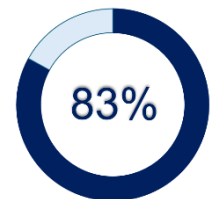
Certification of Results

Findings

Between Nov. 12 and Nov. 18, 2024, ONME watchers attended 24 county meetings where county canvassing boards convened to review the election results for the county. And after the review, the boards voted to certify them, thereby attesting that they represented a complete and accurate accounting of votes canvassed in the county. Following certification, the election results were ready for transmission to the secretary of state's office.

Certification meetings took place in a calm and orderly environment and all results from all counties were ultimately certified. In all certification meetings except one, ONME watchers reported that the canvassing board members unanimously certified the results with no concerns raised. In all locations observed, the certification of results proceeded smoothly, without any reported disruptions or any instances of harassment, influence, or attempted coercion of the county canvassing board members. ONME watchers reported that members of the media and political parties were present in many locations.

In 20 of the 24 counties observed, ONME watchers reported that copies of the election returns were made available to members of the public who attended the certification meetings. In Bernalillo, Catron, Grant, and San Juan Counties, ONME watchers reported that they were not able to view a copy of the election returns to be certified.



Percent of sites observed that had copies of election returns available to those who attended certification meetings

Recommendations

ONME recommends that all counties make such returns available to the public in future certification meetings.

Conclusion

ONME conducted the first statewide election monitoring program in the United States in a state with strong, transparent, well-run elections. ONME's observation findings indicate that all votes were counted, the polls opened and closed on time, registered voters did not face long lines, equipment functioned properly, voting privacy was maintained, voters did not encounter intimidation or electioneering, and elections were certified. ONME identified a limited number of areas that would benefit from increased attention to compliance and improved adherence with best practice – including on matters related to same-day registration delays, worker

training on federal language access and voter ID requirements, and the level of attention given to vulnerable populations while voting, including accessibility, visibility, and language options.

About Observe New Mexico Elections

Observe New Mexico Elections seeks to increase transparency and trust in New Mexico's elections by training and positioning nonpartisan election monitors throughout the state. Nonpartisan election observation is grounded in the idea that elections are by and for the people and that representatives of the public interest should have an opportunity to assess key elections processes and determine whether they were conducted in a manner that the entire voting public can trust.

Research has long indicated that the presence of nonpartisan or independent election observers or monitors during critical election stages can improve election administration and bolster public trust in electoral outcomes. The 2022 Survey of the Performance of American Elections – a national survey administered to 10,200 registered voters – found, for example, that a majority of American voters (61%) would have more confidence in the integrity and security of their state's election system if they knew that nonpartisan poll watchers had observed the process.
