



Frequently Asked Questions

NEW MEXICO – General Election 2022

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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.

Note: This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter's contact information should follow-up be necessary.

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REGISTERING TO VOTE

1. **ELIGIBILITY:** Can I register to vote?¹

To register to vote, voter must be:

- A U.S. citizen;
- A New Mexico resident;
- At least 18 years old at the time of the next election;
- An individual who has not been denied the right to vote by a court of law due to reason of mental incapacity;
- If a person has been convicted of a felony, they must have completed all of the terms and conditions of parole or supervised probation, or have had the conviction overturned on appeal.

2. **PRIMARY ELECTION:** Can I vote in the primary election? Do I have to be a member of a party to vote in its primary?²

Voter does need to register for one of the major parties in order to vote in its primary.

Major Parties

- New Mexico Democratic Party
- New Mexico Republican Party
- Libertarian Party of New Mexico

If voter is registered as DTS (decline-to-state) or with a minor party, voter can vote in the Primary Election using same-day registration – by going to the County Clerk’s office; any participating polling place in their county during Early Voting; or any Election Day polling location in order to update their registration to one of the major parties. Voter can then vote in the Primary Election for whichever major party they’ve chosen. Voters may not use same-day registration process to change registration between major parties during a Primary Election.

¹ <https://portal.sos.state.nm.us/OVR/WebPages/Eligibility.aspx>

² <https://portal.sos.state.nm.us/OVR/WebPages/Eligibility.aspx>

Minor Parties

- Better for America Party
- Green Party of New Mexico

3. **STATUS:** Am I registered to vote?

To check to see if a voter is registered to vote, the voter can visit <https://voterportal.servis.sos.state.nm.us/WhereToVote.aspx>. The voter will need to provide their First Name, Last Name, Date of Birth, and County. The voter may also call 1-866-OUR-VOTE (1-866-687-8683).

Once the voter enters this information, the voter will be able to see:

- Their voter registration information
- Their voting locations
- Their sample ballot
- Their absentee application and ballot status
- Their county clerk's contact information

4. **HOW:** How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?

The voter can register to vote online if they have a state-issued ID (driver's license or state identification card). If the voter does not have a state-issued ID, the voter must register by mail or in person.

To Register (or Update Registration) Online

Visit <https://portal.sos.state.nm.us/OVR/WebPages/InstructionsStep1.aspx> or <http://www.nmvote.org>.

If an applicant is registering online, the voter will need to provide his/her social security number, driver's license number or state identification number, and date of birth.

To Register (or Update Registration) by Mail

If voter does not have a state-issued I.D., or otherwise would prefer to register by mail, the voter can print the form online, fill it out, then mail it to the Secretary of State's office or the voter's local County Clerk's office. Registration forms are available online:

English here: <https://portal.sos.state.nm.us/OVR/VRForms/VRFormEnglishFinal.pdf>

Spanish here: <https://portal.sos.state.nm.us/OVR/VRForms/VRFormSpanishFinal.pdf>

Mailing addresses for county clerks' offices are listed here:

<https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/>). If voter is not sure where to send it, they can call the Secretary of State's office at 1-800-477-3632.

If the voter does not have access to a computer or printer, the forms are also available for pickup at:

- o The Secretary of State's office in Santa Fe,

- o Motor Vehicle Division offices (and many other public assistance office), or
- o Voters can call the Secretary of State's office at 1.800.477.3632 and ask for a registration form to be mailed to them.

If the voter is registering for the first time in New Mexico, the voter must submit with the form a copy of:

- A current and valid photo identification; or
- A current 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 voter's name and current address.

If the voter does not submit one of these forms of identification with the voter's mailed-in, first time registration, then the voter will be required to present one of the forms of identification when voting in person or absentee.

Voters should mail their completed application to [County Clerk's Office](#). The addresses are [here](#):
<https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/>

Applications can also be dropped off at the County Clerk's office.

5. **IDENTIFICATION:** What ID is required to register to vote?

Most voters do not have to present identification to vote in a statewide election. Voters will be asked to provide a verbal or written statement of identification including their name, year of birth, and registered address.

First-time New Mexico voters who registered by mail **and** who did not include copies of their identification with their voter registration application form are required to provide valid photo identification when voting in person or absentee.

If the voter is registering for the first time in New Mexico, and the voter submits the registration form by mail, the voter must submit with the form a copy of

- A current and valid photo identification; or
- A current 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 voter's name and current address.

If the voter does not submit one of these forms of identification with their mailed-in, first time registration, then the voter would be required to present one of the forms of identification when voting in person or absentee.

6. **DEADLINES:** When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?

New Mexico provides for same day registration October 11, 2022 is the last day to participate in regular registration for the 2022 general election (Voter registration closes 28 days prior to an election (Section 1-4-8, NMSA 1978).

In-person Same Day Registration during Early voting and on Election Day is also Available.

The 28 day rule is for regular registration, which may be done via online portal or paper registration. The window (28 days before until 35 days after the election) is for the clerk's office to process regular registrations.

October 11, 2022: is the deadline to register to vote online or by mail.

October 14, 2022: Last day for county clerks to receive registration applications. [Applications may be submitted by hand or received by the appropriate county clerks through the Friday following the registration deadline, provided the date and/or postmark is before the deadline (Section 1-4-8 (F), NMSA 1978).]

7. **SAME DAY:** [Does my state have Same Day Registration? If so, what is the process?](#)

Voter can register to vote or update their existing registration and vote on the same day at their County Clerk's Office.

Some County Clerks will offer additional same day voter registration locations at expanded early voting sites. To find early voting locations offering Same Day Registration, go here:
<https://voterportal.servis.sos.state.nm.us/WhereToVoteAddress.aspx>

To Use Same Day Registration during early voting, a voter must bring the following items:

- (1) a New Mexico driver's license or New Mexico identification card issued through the motor vehicle division of the taxation and revenue department;
- (2) any document that contains an address in the county together with a photo identification card (e.g., 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 voter's name and current address); or
- (3) a current valid student photo identification card from a post-secondary educational institution in New Mexico accompanied by a current student fee statement that contains the student's address in the county. The voter can find the nearest early voting location offering Same Day Registration at this link: <https://voterportal.servis.sos.state.nm.us/WhereToVoteAddress.aspx>.

Note: A voter seeking to register or update an existing registration immediately before voting may be asked to sign an affidavit under oath that the voter has not voted in the election in this state or elsewhere, and as further provided in this section.³

8. **PERMANENT MOVE:** [I have moved permanently and I didn't update my voter registration, can I vote?](#)

If the voter changes their name or moves, they must fill out a new voter registration form and submit it to their local County Clerk's Office or the Secretary of State's Office.

9. **TEMPORARY MOVE:** [I have moved temporarily. How can I vote?](#)

Voters may cast an absentee ballot using their prior address or they may vote in person at their local County Clerk's office or an early voting location prior to Election Day. If voting using the new address, the voter will

³ <https://codes.findlaw.com/nm/chapter-1-elections/nm-st-sect-1-4-5-7.html>

need to fill out a new voter registration form and submit it to their local county clerk's office or the Secretary of State's Office.

Note that no excuse is required to vote with an absentee ballot. Voters may now visit NMVote.org to request an absentee ballot and/or find an early voting location.

10. STUDENT: [I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?](#)

Students attending college may register at their campus address or choose to remain registered or register at their permanent or home address. However, the voter may only be registered and vote in one location.

(There is no information regarding remote learning – but voters must be residents of New Mexico, and voters may only be registered to vote in one location.)

11. LIVING ABROAD: [I am living abroad and/or serving in the military. How can I register and/or vote?](#)

A voter living abroad is eligible to vote in New Mexico if the voter is over 18 and a U.S. citizen and:

- New Mexico was the last place they lived before moving outside the U.S. (This is true even if the voter moved away many years ago and no longer maintain a residence in New Mexico, or
- The voter was born to parents whose last U.S. residence was New Mexico. (This is true even if the voter never resided in New Mexico.)

Voters may register to vote by one of the following methods:

- [Online Voter Registration](#) (must have a NM issued driver's license or state id card). The portal is here: <https://portal.sos.state.nm.us/OVR/WebPages/DomesticApplication.aspx>
- Federal Post Card Application. The portal is here: <https://www.fvap.gov/> (An FPCA is also considered a request for an absentee ballot.) A new FPCA must be resubmitted each year to receive an absentee ballot for each election.
- Filling out a New Mexico Voter Registration form, available here: <https://portal.sos.state.nm.us/OVR/VRForms/VRFormEnglishFinal.pdf>. Voter may submit the application via mail or email to their [local county clerk's office](#). If voter does not know which county clerk to submit their application to, send it to the [Secretary of State](#) in Santa Fe.

If voter is already registered to vote in New Mexico, voter can request a ballot by:

- Completing a Federal Post Card Application, here: <https://www.fvap.gov/>; or
- Following the Absentee Voting process <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/absentee-and-early-voting/>

Returning Ballot:

Voters covered under New Mexico's Uniform Military and Overseas Voter Act may choose to have their ballot sent to them via mail, email, or fax. Voters are then able to return their ballot via mail, email or fax provided that:

- The ballot is received in the county clerk's office by the close of polls (7:00 p.m.) on election day

- The voter signs an affidavit waiving the right of secrecy of their ballot
- The voter transmits the affidavit with the military-overseas ballot.

Please Note: The State of New Mexico Secretary of State has a detailed page about voting for those living abroad or in the military Please visit the following website for additional information:

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

12. CRIMINAL CONVICTION: [I have a criminal conviction. Can I register to vote?](#)⁴

A misdemeanor conviction does not impact the voter's right to vote.

If voter has been convicted of a felony, voter can register to vote once they have completed the court-ordered sentence of imprisonment, including any term of parole or probation for the conviction. This provision includes federal, state and out-of-state convictions.

How can voter determine if they qualify to have voting rights restored following a felony conviction?

Voter should contact the Department of Corrections, Division of Parole and Probation (505.827.8830) or a comparable agency in the state in which voter was convicted.

13. INCARCERATED: [I am currently incarcerated. Can I register to vote?](#)⁵

Incarcerated voters who have not been convicted of a felony may vote. Incarcerated voters can register to vote, request, and cast an absentee ballot.

Incarcerated voters who have been convicted of a felony may not vote. However, a voter's right to vote is automatically restored once they complete their full sentence.

HOW TO VOTE: ELECTION DAY

14. HOURS: [When do the polls open/close on Election Day?](#)

In New Mexico, all polls are open from 7:00 a.m. to 7:00 p.m. Mountain Time on Election Day. An individual who is in line at the time polls close must be allowed to vote.

***Note to hotline volunteer:** If you learn that a polling place prohibits those who were in line by the time the polls closed from voting, advise voters to stay at the polling location and contact your hotline captain immediately.

15. POLLING LOCATION: [Where do I vote on Election Day?](#)

⁴ <https://portal.sos.state.nm.us/ovr/webpages/Eligibility.aspx>

⁵ <https://www.usvotefoundation.org/ex-off-voting-rights/New-Mexico>

Voters may vote at any polling location in the county where they are registered to vote between the hours of 7 a.m. and 7 p.m.⁶ Voters can check <https://voterportal.servis.sos.state.nm.us/WhereToVote.aspx> for the polling location nearest them.

***Note to hotline volunteer:** Due to the COVID-19 Pandemic, many polling places have been moved or consolidated. Voters should be advised to check the polling place listed on the Voter Notification Card they received from the local election authority a few days before the election.

16. CLOSING: What if the polls close when I am already in line? ?

Voters in New Mexico have the right to vote if they were in line before 7:00. If there is an issue, the voter should remain in line and call the Secretary of State at 1-800-477-3642.

***Note to hotline volunteer:** If you learn of long lines, notify your hotline captain immediately.

17. IDENTIFICATION: What identification is required to vote?

New Mexico doesn't require photo ID at the state level (but some municipal elections may require them).

If a first-time voter did not provide physical ID when registering, the voter will be required to provide some form of physical ID at the polling place.

A physical form of identification may be:

- (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
- (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.

If the voter provided proper identification while registering, they will simply be asked to provide orally or in writing their name, registration address, and date of birth.

18. NO IDENTIFICATION: Can I vote without providing identification?

You do not have to present identification to vote in a statewide election. When registering for the first time in New Mexico, you must submit a copy of (1) a current and valid photo identification; or (2) a current 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 your name and current address. If you do not submit the required identification with your mailed-in, first time registration, then you will be required to present one of the forms of identification when voting in person or absentee.

Some municipal jurisdictions in New Mexico have ordinances in place that require voter id be presented to vote in city elections. This includes the City of Rio Rancho.

⁶ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/>

19. NOT ON ROLLS AT MY POLLING PLACE: I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?

If a voter discovers they are not on the rolls during the early voting period or on Election Day, they may register and vote on the same day. See:

<https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/same-day-registration/>⁷

Note: As of April 26, the New Mexico website was still incorrect. Before Same Day Registration was passed, voters had to request a provisional ballot. Now they can register on the spot.

Voters can check the status of their provisional ballots here:

<https://voterportal.servis.sos.state.nm.us/ProvisionalSearch.aspx>

20. PROVISIONAL BALLOT: If I don't have an ID, can I request a provisional ballot? My name is not on the rolls at my polling place, can I request a provisional ballot?

Note that if a voter discovers they are not the rolls and are voting during the early voting period or on Election Day the voter may register at their county clerk's office and vote on the same day. (Some counties offer same day registration at early voting sites.)

If a voter has moved and not voted in several years, it is possible their name may be removed from the voter rolls in accordance with the National Voter Registration Act. Voters can check their voter registration status to make sure they are registered and all their information is correct at

<https://voterportal.servis.sos.state.nm.us/WhereToVote.aspx>.

First-time voters who register to vote via mail and do not include a photo copy of a photo ID issued by the government or an educational institution, or a utility bill, bank statement, or other formal document showing the individual's name and address in the county, and who do not bring the documentation to the polling place on Election Day may be issued a provisional ballot.

HOW TO VOTE: EARLY VOTING

(in some states called "in-person absentee")

21. AVAILABILITY: Is there early voting in my state (whether called early voting or in person absentee voting)?

Yes, there is. Any registered New Mexico voter may apply for an absentee ballot and vote by mail or vote early.

22. ELIGIBILITY: Do I have to have a reason to vote early?⁸

⁷ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/same-day-registration/>

⁸ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/absentee-and-early-voting/>

No reason is necessary to vote early. Any registered New Mexico voter may apply for an absentee ballot and vote by mail or vote early.

23. WHEN: When does early voting begin/end?⁹

Early voting begins on October 11, 2022 at County Clerk's offices. Some counties offer expanded early voting beginning on the third Saturday before Election Day (October 22, 2022). Hours vary based on where a voter lives. Voters can go to this website <https://voterportal.servis.sos.state.nm.us/WhereToVoteAddress.aspx> or contact their local county clerk for times and locations where they can cast an early ballot. See <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/for-contact-information-for-county-clerks>.

24. WHERE: Where do I vote during early voting?¹⁰

Voters can go to this website <https://voterportal.servis.sos.state.nm.us/WhereToVoteAddress.aspx> or look up their county clerk's office or expanded early voting sites in their county, or look on line or call their county clerk for hours and locations.

25. IDENTIFICATION: What identification is required for early voting? What if I don't have an ID?¹¹

New Mexico doesn't require photo ID to vote in a statewide election, but if a form of ID was not provided with the mailed in registration application, the person will be required to present it when voting. The physical form of identification may be:

- 1) A current and valid photo identification; or
- 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.

A voter who provided the required identification when registering will be asked for 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.

Please note that some municipal jurisdiction may have more restrictive I.D. requirements than state-wide elections.¹²

HOW TO VOTE: VOTE BY MAIL

26. AUTOMATIC MAIL BALLOT: Will I automatically be sent a ballot in the mail?

⁹ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/absentee-and-early-voting/>

¹⁰ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/absentee-and-early-voting/>

¹¹ <https://www.sos.state.nm.us/voting-and-elections/voting-faqs/voting/>

¹² <https://www.sos.state.nm.us/voting-and-elections/voting-faqs/voting/>

No. Voters must request a Ballot to vote absentee by mail.

Requesting a Ballot – The voter can request an absentee ballot in the following ways:

- Filling out an application online by [Clicking Here:](#)
<https://portal.sos.state.nm.us/OVR/WebPages/AbsenteeApplication.aspx?type=RA>
- Contacting the voter's [County Clerk's Office](#) in person, phone, mail or email
- Downloading an [Absentee Ballot Application here](#) and mailing it or hand delivering it to the voter's [County Clerk's Office](#)

A ballot will be sent to voters who have properly filled out the application. If the application was not completed correctly, a notification with the reason why the application was not accepted will be sent within 24 hours of receipt of the application.

To check the status of an Absentee Application, voters can go [here](#) or contact their [County Clerk's Office](#). If a voter does not receive their absentee ballot, the voter can contact the [County Clerk's Office](#).

27. **ELIGIBILITY:** Do I need a specific reason to vote by mail?

Any eligible voter may vote by absentee – New Mexico does not require any excuse for absentee voting.

28. **APPLICATION DEADLINE:** What is the deadline for requesting an mail-in ballot?¹³

The county clerk must receive the application for an absentee ballot no later than the Thursday immediately prior to the election, **November 3, 2022**.

Within twenty-three (23) days of Election Day, the county clerk must either mail the ballot or notice of rejection to the applicant as soon as practicable; provided that the ballot or a notice of rejection is sent not later than twenty-two (22) days before the election.

29. **APPLICATION RETURN:** How do I submit my mail-in ballot application? Can someone return it for me? Does it have to be postmarked by a specific date?¹⁴

All absentee ballots may be returned to the County Clerk's Office or any Election Day polling location no later than 7:00 PM on November 8, 2022 – Election Day. Ballots may also be returned to early voting locations. Note that ballots must be **received by** November 8, 2022 and ballots returned after this date will not be accepted, even if postmarked by November 8, 2022 will not be accepted.

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, provided that the voter has subscribed the outer envelope of the absentee ballot. An unrelated third party may not deliver another voter's absentee ballot.

¹³ <https://www.sos.state.nm.us/voting-and-elections/voting-faqs/absentee-voting-by-mail/>

¹⁴ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/absentee-and-early-voting/>

30. IDENTIFICATION: Are there identification requirements when I return my absentee ballot application and/or ballot?

When a voter receives the Absentee Ballot after submitting the required information, they will need to fill it out according to the directions that come with the Absentee Ballot. There is no indication on the New Mexico Secretary of State website that identification is required to vote absentee, other than the requirements for registering to vote/for first-time registered voters.

31. RECEIVING MAIL BALLOT: Does the ballot have to be sent to my home, or can I have it sent somewhere else? What if I don't have a home address or my address is a PO Box?

You can request that the absentee ballot be mailed to address other than your registered voter address. There does not appear to be any prohibition against having the ballot mailed to a P.O. Box.

32. MISSED THE APPLICATION DEADLINE: What if I have not requested a mail-in ballot by the deadline?¹⁵

If a voter fails to request an absentee by the deadline they may only vote IN-PERSON at an early voting location, county clerk's office or on Election Day.

33. STATUS OF APPLICATION AND/OR BALLOT: How can I check the status of my application and/or mail-in ballot?

To check the status of an Absentee Application, a voter can go [here](#) or contact their [County Clerk's Office](#). If a voter has not received their absentee ballot, please contact the [County Clerk's Office](#).

NOTE: NM has implemented barcode tracking for absentee ballots. Voters can check the status of their application as well as track their ballot to their home as well as to the clerk's office using the SOS website. <https://voterportal.servis.sos.state.nm.us/WhereToVote.aspx>.

34. APPLICATION OR BALLOT REJECTED: I learned my mail-in ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?

If the application was not completed correctly, a notification with the reason why the application was not accepted will be sent within 24 hours of receipt of the application. This will contain instructions for how to rectify the issue. Voters should contact their local county clerk if they have any additional questions. <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/>.

35. COMPLETING BALLOT: How do I complete the mail-in ballot?

When a voter receives the Absentee Ballot after submitting the required information, they will need to fill it out according to the directions that come with the Absentee Ballot.

36. ASSISTANCE COMPLETING BALLOT: Can someone assist me in filling out my ballot?

¹⁵ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/absentee-and-early-voting/>

Voter may request assistance in voting at the polls if they are blind, physically disabled, unable to read or write, or a member of a language minority.

Any person of voter choice may assist them, except their employer, an agent of the employer, an officer or agent of their union, or a candidate whose name is on the ballot.

37. DEADLINE TO RETURN BALLOT: What is the deadline for the ballot to be received? Does it have to be postmarked by a specific date? Can I drop it off in person?

All absentee ballots must be returned to the County Clerk's Office or any Election Day polling location no later than 7:00 PM on November 8, 2022—Election Day. (There are no specific postmarking requirements, but ballots need to be received by November 8, 2022.)

38. BALLOT DROP OF LOCATIONS: What are the locations for dropping off a ballot (instead of mailing it)?

Absentee ballots may be returned at any polling location during the early vote period or on Election Day or at your county clerk's office.

Drop Boxes: The SOS issued specific guidance allowing for supervised absentee ballot drop boxes to be deployed during the 2020 election. These drop boxes are provided to voters as an alternative to mailing an absentee ballot back to the county clerk's office.¹⁶ No similar guidance has yet been issued for 2022. In 2020, county clerks were allowed to provide drop boxes both inside of polling locations and outside for express or drive through service depending upon the needs of a particular community.

All ballot drop boxes should be considered an extension of a polling location. As such, electioneering within 100 feet and other prohibited activities mentioned below apply to locations where ballot drop boxes have been set up. Additionally, drop boxes should have at least two workers supervising them at all times.

Again, 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.

39. ASSISTANCE DROPPING OFF BALLOT: Can someone else drop off my completed ballot for me?

Only the 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, provided that the voter has subscribed the outer envelope of the absentee ballot.

40. LOST OR SPOILED BALLOT: What if I lost my mail-in ballot, made a mistake on it (spoiled it), or I received an incorrect ballot?

If a voter does not receive their absentee ballot, or if there is an issue with their absentee ballot, please contact the [County Clerk's Office](#) as soon as possible to receive a replacement ballot or for a location where the voter may cast their ballot in-person. If it is very close to Election Day, the voter may want to consider

¹⁶

<https://www.sos.state.nm.us/2020/10/14/secretary-of-state-and-attorney-generals-2020-new-mexico-general-election-voter-information-advisory/>

voting in person on Election Day. The voter will be asked to complete an affirmation swearing they did not cast their absentee ballot and be permitted to vote normally in-person.

41. NON-RECEIPT OF BALLOT: What if I requested a mail-in ballot but have not received it? What are my options for voting?

If a voter did not receive the absentee ballot, or if there is an issue with the voter's absentee ballot, please contact the [County Clerk's Office](#) as soon as possible to receive a replacement ballot or for a location where the voter may cast their ballot in-person.

42. IN PERSON OPTION: What if I requested or received a mail-in ballot but I want to vote in person on Election Day?

Yes. If the voter has already submitted an absentee ballot but it has not yet been received by Election Day, the voter has the option of going to a polling place and casting a ballot. The voter will need to sign an affidavit canceling the mailed ballot already submitted.

If the voter has not submitted the absentee ballot the voter may go to any polling location in their county to cast a ballot. The voter will be asked to complete an affirmation swearing they did not cast their absentee ballot and be permitted to vote normally in-person.

The voter may also return their completed absentee ballot by placing it in the appropriate absentee ballot envelope at any polling location.

HOW TO VOTE: ABSENTEE

43. ELIGIBILITY: Am I eligible to request an absentee ballot?

Any voter may request an absentee ballot. Voters must request an Absentee Ballot.

Requesting an Absentee Ballot – The voter can request an absentee ballot in the following ways:

- Filling out an application online by [Clicking Here:](#)
<https://portal.sos.state.nm.us/OVR/WebPages/AbsenteeApplication.aspx?type=RA>
- Contacting the voter's [County Clerk's Office](#) in person, phone, mail or email
- Downloading an [Absentee Ballot Application here](#) and mailing it or hand delivering it to the voter's [County Clerk's Office](#)

44. APPLICATION DEADLINE: What is the deadline for requesting an absentee ballot?¹⁷

The county clerk must receive the application for an absentee ballot no later than the Thursday immediately prior to the election, **November 3, 2022.**

¹⁷ <https://www.sos.state.nm.us/voting-and-elections/voting-faqs/absentee-voting-by-mail/>

Within twenty-three (23) days of Election Day, the county clerk must either mail the ballot or notice of rejection to the applicant as soon as practicable; provided that the ballot or a notice of rejection is sent not later than twenty-two (22) days before the election.

45. IDENTIFICATION: Are there any identification requirements?

When a voter receives the Absentee Ballot after submitting the required information, they will need to fill it out according to the directions that come with the Absentee Ballot. There is no indication on the New Mexico Secretary of State website that identification is required to vote absentee, other than the requirements for registering to vote/for first-time registered voters.

46. EMERGENCY: Is there an emergency absentee ballot? If so, am I eligible?¹⁸

Yes. If a voter contracts an unforeseen illness or disability resulting in confinement, then the voter can cast a provisional ballot via an authorized representative until the time the polls close on Election Day. The request for a provisional ballot must be in writing and signed by the both the voter and the health care provider under penalty of perjury. Emergency response providers can use the same procedures as UOCAVA voters if called away for an emergency no later than 35 days before an election.¹⁹

47. APPLICATION RETURN: Where and how can I return my absentee ballot application? Can someone return it for me?

All absentee ballots may be returned to the County Clerk's Office or any Election Day polling location no later than 7:00 PM on November 8, 2022 – Election Day. Ballots may also be returned to early voting locations. Note that ballots must be received by November 8, 2022 and ballots received after this date that are postmarked by November 8, 2022 will not be accepted.

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, provided that the voter has subscribed the outer envelope of the absentee ballot. An unrelated third party may not deliver another voter's absentee ballot.

48. STATUS OF APPLICATION AND/OR BALLOT: How can I check the status of my absentee ballot application and/or absentee ballot return?

To check the status of an Absentee Application, a voter can go [here](#) or contact their [County Clerk's Office](#). If a voter has not received their absentee ballot, please contact the [County Clerk's Office](#).

NOTE: NM has implemented barcode tracking for absentee ballots. Voters can check the status of their application as well as track their ballot to their home as well as to the clerk's office using the SOS website. <https://voterportal.servis.sos.state.nm.us/WhereToVote.aspx>.

49. APPLICATION OR BALLOT REJECTED: I learned my absentee ballot application and/or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?

¹⁸ <https://www.ncsl.org/research/elections-and-campaigns/absentee-voting-in-case-of-a-personal-emergency.aspx>

¹⁹ N.M. Stat. Ann. § 1-6-16.2; N.M. Stat. Ann. § 1-6B-9

If the application was not completed correctly, a notification with the reason why the application was not accepted will be sent within 24 hours of receipt of the application. This will contain instructions for how to rectify the issue. Voters should contact their local county clerk if they have any additional questions. <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/>.

New Mexico does not appear to have a ballot curing process.

50. COMPLETING BALLOT: How do I complete the absentee ballot?

When a voter receives the Absentee Ballot after submitting the required information, they will need to fill it out according to the directions that come with the Absentee Ballot.

51. ASSISTANCE COMPLETING BALLOT: Can someone assist me filling out the ballot?

Voter may request assistance in voting at the polls if they are blind, physically disabled, unable to read or write, or a member of a language minority.

Any person of voter choice may assist them, except their employer, an agent of the employer, an officer or agent of their union, or a candidate whose name is on the ballot.

52. BALLOT DEADLINES: What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?

All absentee ballots must be returned to the County Clerk's Office or any Election Day polling location no later than 7:00 PM on November 8, 2022 – Election Day. Ballots may also be returned to early voting locations. Note that ballots must be received by November 8, 2022 and ballots received after this date will not be accepted even if postmarked by November 8, 2022

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, provided that the voter has subscribed the outer envelope of the absentee ballot. An unrelated third party may not deliver another voter's absentee ballot.

53. BALLOT DROP OFF LOCATIONS: Where can I drop off a ballot (instead of mailing it)?

Absentee ballots may be returned at any polling location during the early vote period or on Election Day or at your county clerk's office.

Drop Boxes: The SOS issued specific guidance allowing for supervised absentee ballot drop boxes to be deployed during the 2020 election. These drop boxes are provided to voters as an alternative to mailing an absentee ballot back to the county clerk's office.²⁰ No similar guidance has yet been issued for 2022. In 2020, county clerks were allowed to provide drop boxes both inside of polling locations and outside for express or drive through service depending upon the needs of a particular community.

²⁰

<https://www.sos.state.nm.us/2020/10/14/secretary-of-state-and-attorney-generals-2020-new-mexico-general-election-voter-information-advisory/>

All ballot drop boxes should be considered an extension of a polling location. As such, electioneering within 100 feet and other prohibited activities mentioned below apply to locations where ballot drop boxes have been set up. Additionally, drop boxes should have at least two workers supervising them at all times.

Again, 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.

54. ASSISTANCE DROPPING OFF: *Can someone else drop off my completed ballot for me?*

Only the 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, provided that if someone other than the voter is returning the ballot that person must sign the outer envelope, print his or her name and indicate his or her relationship to the voter.

55. LOST OR SPOILED: *What if I lost my absentee ballot or it is spoiled or I received an incorrect one?*

If a voter does not receive their absentee ballot, or if there is an issue with their absentee ballot, please contact the [County Clerk's Office](#) **as soon as possible** to receive a replacement ballot or for a location where the voter may cast their ballot in-person. If it is very close to Election Day, the voter may want to consider voting in person on Election Day. The voter will be asked to complete an affirmation swearing they did not cast their absentee ballot and be permitted to vote normally in-person.

56. NON-RECEIPT OF BALLOT: *What if I requested an absentee ballot but have not received it? Can I do anything?*

If a voter did not receive the absentee ballot, or if there is an issue with the voter's absentee ballot, please contact the [County Clerk's Office](#) **as soon as possible** to receive a replacement ballot or for a location where the voter may cast their ballot in-person.

57. IN PERSON OPTION: *What if I requested an absentee ballot but I want to vote in person on Election Day?*

If the voter has already submitted an absentee ballot but it has not yet been received by Election Day, the voter has the option of going to a polling place and casting a ballot. The voter will need to sign an affidavit canceling the mailed ballot already submitted.

If the voter has not submitted the absentee ballot the voter may go to any polling location in their county to cast a ballot.

- The voter will be asked to complete an affirmation swearing they did not cast their absentee ballot and be permitted to vote normally in-person.
- The voter may also return their completed absentee ballot by placing it in the appropriate absentee ballot envelope at any polling location.

58. IN PERSON ABSENTEE: *Where do I vote in-person absentee? When can I do this?*

Early voting takes place at the voter's local county clerk's office and/or an annex location. Voters should contact their [County Clerk's Office](#) for more information regarding the hours and locations for in-person absentee voting.

POLLING PLACE ISSUES

59. **POLLING PLACE NOT OPEN:** The polling place is not open. What should I do?

***Note to hotline volunteer:** If you learn of a polling place not opening on time or is closed, notify your hotline captain immediately. Notify the voter of other near-by polling locations and inform the voter they may vote at any polling location in their county between the hours of 7 a.m. and 7 p.m.

60. **LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while I'm in line?²¹

Voters in New Mexico have the right to vote if they were in line before 7:00. If there is an issue, the voter should remain in line and call the Secretary of State at 1-800-477-3642.

***Note to hotline volunteer:** If you learn of long lines, notify your hotline captain immediately.

61. **EQUIPMENT FAILURE:** What should I do if there are equipment problems at my precinct?

Report to a poll worker. New Mexico voters have the right to an emergency paper ballot if the voting machine is broken.²²

***Note to hotline volunteer:** If you learn of equipment not working properly at a polling place, notify your hotline captain immediately.

62. **EQUIPMENT ASSISTANCE:** I don't know how to use the voting equipment. Can I get help?

Please ask for assistance from someone working at the polling station.

New Mexico voters have the right to be assisted by a person of the voter's choice if disabled or if the voter needs help reading or marking the ballot. The voter may not receive assistance from an employer, an agent of the employer, an agent of their union or a candidate on the ballot.²³

63. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA compliant? Does my voting location have an accessible voting system?²⁴

All polling locations are required to be ADA accessible or provide a form of curbside voting to accommodate voters who may have a physical disability that may prevent them from entering the polling place. If possible voters should contact their county clerk in advance to learn more about voting accommodations for physical disability in their county.

64. **READING/LANGUAGE ASSISTANCE:** I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

²¹ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/voter-bill-of-rights/>

²² <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/voter-bill-of-rights/>

²³ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/voter-bill-of-rights/>

²⁴ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/voters-with-disabilities/>

Voters may request assistance in voting at the polls if disabled or unable to read or write or a member of a language minority. Any person of the voter's choice may assist them, except their employer, an agent of their employer, an officer or agent of their union, or a candidate whose name is on the ballot. Each polling location also has a device to assist voters who are audibly or visually impaired or need assistance reading their ballot in their primary language. This gives voter's privacy to their ballot and ensures their ballot is properly marked for the issues or candidates they wish to support.

New Mexico has designed absentee ballots so that a voter who is visually impaired may independently use their screen reader technology to mark their ballot. To get an accessible absentee ballot, the voter must have an email address for delivery of the electronic absentee ballot, and must fill out an application for absentee ballot and certification document for an electronic absentee ballot online at <https://portal.sos.state.nm.us/OVR/WebPages/AbsenteeApplication.aspx?type=RA>. Applications must be received by the County Clerk no later than 5:00 pm on **Thursday, November 3, 2022**.

65. **CAMPAIGNING:** What rules apply to people campaigning or "hanging around" my polling place? Can people approach me?

Voters have the right to wait to vote (and to vote) without anyone electioneering or trying to influence their vote in any way within 100 feet of the building in which the polls are located.

On Election Day, it is unlawful for any person to distribute or display any type of campaign literature or place any political posters within 100 feet of any entrance used by the voters to enter a polling place. It is the duty of the precinct board to keep this prohibited area clear of political literature and displays.

66. **CHALLENGE:** Someone is formally challenging my vote. What should I do?

Voters will be permitted to vote normally unless 3 poll workers unanimously agree with the challenge.

If the challenge is agreed upon, the voter will still be allowed to vote on a provisional ballot. The county clerk will review the voter's eligibility to vote and determine if their ballot will be counted.

The county clerk has the authority to review the provisional ballot after the polls close and determine eligibility to vote. The Voter Information Portal has a link to view the disposition of a provisional ballot at <https://voterportal.servis.sos.state.nm.us/ProvisionalSearch.aspx>.²⁵

Voters should contact their county clerk immediately to follow up on the challenge reason and to verify their ballot was counted.

67. **POLICE/MILITARY PRESENCE:** There are police/members of the military at the polling place. Is this okay? What should I do?

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.

²⁵ This process is outlined in Handbook section 1-12-25.3 and 1-12-25.4

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 by the election board or county clerk with maintaining order.

Uniformed police officers, and poll watchers wearing official-seeming clothing in polling places, have been found to intimidate voters. The SOS recommends that counties balance the potentially intimidating effect of uniformed individuals in the polling place with the need to preserve peace.

The following peace officers may not serve as party challengers, watchers, or observers: a sheriff, deputy sheriff, marshal, deputy marshal or state or municipal police officer.

***Note to hotline volunteer:** If you learn that police officers are interfering with noting other than to maintain order or that there are military or non-permitted peace officers at the polling place, please contact your hotline captain immediately.

68. **THOUGHT WAS REGISTERED:** My name isn't on the voter registration roll but I thought I was registered. What should I do?

Voter can register to vote or update their existing registration and vote on the same day at their County Clerk's Office.

Some County Clerks will offer additional same day voter registration locations at expanded early voting sites. A qualified elector (voter) should bring with them to utilize same day registration (SDR) (one of the following): (1) a New Mexico driver's license or New Mexico identification card issued through the motor vehicle division of the taxation and revenue department; (2) any document that contains an address in the county together with a photo identification card; or (3) a current valid student photo identification card from a post-secondary educational institution in New Mexico accompanied by a current student fee statement that contains the student's address in the county." To find the nearest early voting location offering SDR, go [here](#).²⁶

69. **PROVISIONAL BALLOT:** I have been offered a provisional ballot. What should I do?

New Mexico voters have the right to:²⁷

- ask for, and receive instructions on how to cast a provisional ballot if the voter is voting for the first time, registered by mail, did not include the proper identification, and does not have a copy of their photo ID, or a current utility bill, bank statement, government check, paycheck, or government document that shows their name and address;²⁸
- The voter's name does not appear on the roster at the polling place; or
- A challenge to the voter was unanimously affirmed by the presiding judge and the two election judges.

Voters must provide the required voter identification to the county clerk's office before 5:00 p.m. on the second day following the election or to the precinct board before the polls close on Election Day.

²⁶ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/same-day-registration/>

²⁷ <https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/voter-bill-of-rights/>

²⁸ <https://www.sos.state.nm.us/voting-and-elections/voting-faqs/voting/>

Voters can check the status of their provisional ballot after the election here:

<https://voterportal.servis.sos.state.nm.us/ProvisionalSearch.aspx>

ACCESSIBILITY/ASSISTANCE

70. **LANGUAGE ACCESS:** I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?

Voters may request assistance in voting at the polls if disabled or unable to read or write or a member of a language minority. Any person of the voter's choice may assist them, except their employer, an agent of their employer, an officer or agent of their union, or a candidate whose name is on the ballot. Each polling location also has a device to assist voters who are audibly or visually impaired or need assistance reading their ballot in their primary language.

71. **CURBSIDE VOTING:** Is curbside voting available? How do I request it?

Voter may request additional information from their [County Clerk's](#) office about voting aids, voting assistance, and absentee ballot procedures available to you.

All polling locations are equipped with accessible voting equipment that is equipped for special accommodations for hearing, visual, physical, and other disabilities. Accessible voting equipment provides the opportunity to independently vote a ballot in complete privacy. This terminal marks the voter's selections on paper that becomes their ballot. Voters can select their choices using a touch screen, headphones, and other types of equipment available to assist voters in making their selections. The completed ballot is then fed into a tabulator, which scans and records the votes.

In New Mexico, blind and visually impaired voters may also request an electronically fillable ballot to vote from the privacy of their own homes via an absentee ballot.

[Click here](#) to request an absentee ballot.

72. **VOTER GUIDE:** Can I bring a voting guide or reference notes with me into the voting booth?

There does not appear to be a prohibition against bringing materials into the voting booth, but if the voter wants to confirm, they should contact their County Clerk's office by locating the information for their County Clerk at the following link:

<https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/> **OR** call 1.800.477.3632.

QUESTIONS

73. **QUESTIONS:** Who should I contact if I have questions about any of the above?

If a voter has any questions about the above, they can contact their County Clerk's office, by locating the information for their County Clerk at the following link:

<https://www.sos.state.nm.us/voting-and-elections/voter-information-portal/county-clerk-information/> **OR**
call 1.800.477.3632.