

**\*\*MEDIA ADVISORY\*\***

**FOR PLANNING PURPOSES ONLY**

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**Poll Challengers and Watchers in the 2018 General Election**

*Today is the deadline to submit names of watchers to the Secretary of State*

SANTA FE – The Office of Secretary of State Maggie Toulouse Oliver is reminding the press and public about the role and purview of poll challengers and watchers ahead of the 2018 general election.

New Mexico law permits properly designated individuals to serve as challengers and watchers during early voting and on Election Day (NMSA 1978, §1-2-21 to §1-2-30). Challengers and watchers play an important role in the democratic process by promoting openness and integrity in polling places.

Individuals designated as challengers or watchers may access a specified early voting center or Election Day polling place to observe voting activities. Challengers may contest the eligibility of individual voters based on a specific set of criteria (NMSA 1978, §1-12-20). Watchers are charged with observing that the election is being conducted in accordance with the Election Code (NMSA 1978, §1-2-29).

Challengers and watchers must be voters of a precinct located in that county to which they are appointed. A person cannot be appointed as a challenger or watcher if they are a candidate; a spouse, parent, child, or sibling of any candidate; married to a parent, child, or sibling of any candidate; a candidate's in-law; or, a local or state police officer.

The county chair of each political party represented on the ballot may appoint challengers for each polling location by specifying the challenger in a written document that is presented to the presiding judge of the applicable polling place. If any county chair fails to make such appointments, the precinct chair of the political party may specify one challenger for the polling place corresponding to the precinct through a written document presented to the presiding judge of the polling place. Appointment of challengers may occur up until and throughout Election Day.

Any organization engaged in election-related activities (such as Common Cause, the League of Women Voters, an academic institution, etc.) and approved by the Secretary of State's Office may appoint poll watchers in a county if the organization provides written notice to the Secretary of State at least ten days prior to the election date and specifies the names of the qualified appointees. Additionally, any group of three candidates for elected office may appoint watchers in a county if

the candidates provide a written notice to the Secretary of State at least ten days prior to the election date and specify the names of the qualified appointees. For the 2018 general election, the deadline to notify the Secretary of State is Monday, October 29, 2018.

More detailed information about the rights, responsibilities, and qualifications of poll challengers and watchers can be found on the [Secretary of State's website](#). The Secretary of State also maintains a [Handbook for Election Challengers and Watchers](#) that provides information on who can designate challengers and watchers, the rights of challengers and watchers, and other election observation opportunities.

Early voting locations is open in all of New Mexico's 33 counties and runs through Saturday, November 3. Voting times and locations vary by county and voters should check with their county clerk or on [NMvote.org](http://NMvote.org) for specific information for their area.

Absentee voting is still underway and county clerks can mail absentee ballots to eligible voters until Friday, November 2, 2018. Absentee ballots can be requested by [filling out an application online](#), by [contacting your county clerk's office](#) in person, by phone, mail, or email, or by [downloading an application](#) and mailing it or hand delivering it to your county clerk's office. All absentee ballots may be returned to the appropriate county clerk's office or any Election Day polling location no later than 7:00 PM on Tuesday, November 6, 2018.

Election Day is Tuesday, November 6, 2018 and polls will be open from 7:00 AM to 7:00PM.

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### **What are challengers permitted to do?**

- Challengers, upon presentation of the written appointment to the precinct board, shall be permitted to be present at any time from the time the precinct board convenes at the polling place until the completion of the precinct board's duties after the polls close.
- Challengers, for the purpose of contesting the eligibility of individual voters, may:
  - view the signature roster or precinct voter list for the purpose of determining whether the challenger desires to submit a challenge when a signature roster or precinct voter list is used;
  - view the voter application form before the voter receives a ballot for the purpose of determining whether the challenger desires to submit a challenge when an application to vote is used;
  - view the signature roster or checklist of voters to determine whether entries are being made in accordance with the Election Code;
  - prior to voting, view each voting machine before the polls are opened to ensure that the public counter is at zero, that the results tape contains no votes and that there are no voted ballots in the voting machine bins; and
  - record in writing any action or omission on the part of any member of the precinct board.

### **What are watchers permitted to do?**

- Watchers may:
  - be present at any time from the time the precinct board convenes at the polling place until the completion of the precinct board's duties after the polls close;
  - be permitted to observe that the election is being conducted in accordance with the Election Code;
  - view the precinct voter list to ascertain whether a voter has voted, subject to the same prohibitions and restrictions as are placed upon challengers by the Election Code;
  - view any voting machine being used in the precinct in the same manner that challengers may examine the voting machines; and
  - make in any polling place and preserve for future reference written memoranda of any action or omission on the part of any member of the precinct board charged with the performance of a duty by the Election Code.
  - when appointed on behalf of candidates, be present only in polling locations within the county of appointment at which ballots are cast for at least one of the candidates making the appointment.