



ELECTION TRANSPARENCY

A VISION MOVING FORWARD

R. GOOLSBY

RGOLSBY@COPYRIGHT 2023

ELECTION TRANSPARENCY: A VISION MOVING FORWARD

- “But when he, the Spirit of truth comes, he will guide you into all the truth.” John 16:13
- We are all given the **responsibility** to research and learn the truth, that is part of free will.
- Once you learn the truth it is your **responsibility** to speak the truth.
- Let’s use the wisdom God has given us to evaluate New Mexico’s election process.

PROCESS

In order to have transparency and see through the process, you must understand the process.

The election process has become very complex.

The complexity of the process leads to chaos.

Chaos can subvert the process, disenfranchise the voters and lead to failure of the system.

So, lets learn the process and see how we can work together to simplify and make the process more transparent and secure.

RESOURCES

NEW MEXICO CONSTITUTION: [HTTPS://WWW.SOS.STATE.NM.US/ABOUT-NEW-MEXICO/PUBLICATIONS/NM-CONSTITUTION/](https://www.sos.state.nm.us/about-new-mexico/publications/nm-constitution/)

STATE ELECTION HANDBOOK: [HTTPS://WWW.SOS.STATE.NM.US/CANDIDATE-AND-CAMPAIGNS/HOW-TO-BECOME-A-CANDIDATE/NM-ELECTION-HANDBOOK/](https://www.sos.state.nm.us/candidate-and-campaigns/how-to-become-a-candidate/nm-election-handbook/)

NM ADMINISTRATIVE RULES: [HTTPS://WWW.SOS.STATE.NM.US/LEGISLATION-AND-LOBBYING/LEGAL-RESOURCES/NM-ADMINISTRATIVE-RULES/](https://www.sos.state.nm.us/legislation-and-lobbying/legal-resources/nm-administrative-rules/)

HAVA ACT OF 2002:

[HTTPS://WWW.CONGRESS.GOV/107/PLAWS/PUBL252/PLAW-107PUBL252.PDF](https://www.congress.gov/107/plaws/publ252/plaw-107publ252.pdf)

UNITED STATES EAC/ VOLUNTARY VOTING SYSTEM GUIDELINES:

[HTTPS://WWW.EAC.GOV/VOTING-EQUIPMENT/VOLUNTARY-VOTING-SYSTEM-GUIDELINES](https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines)

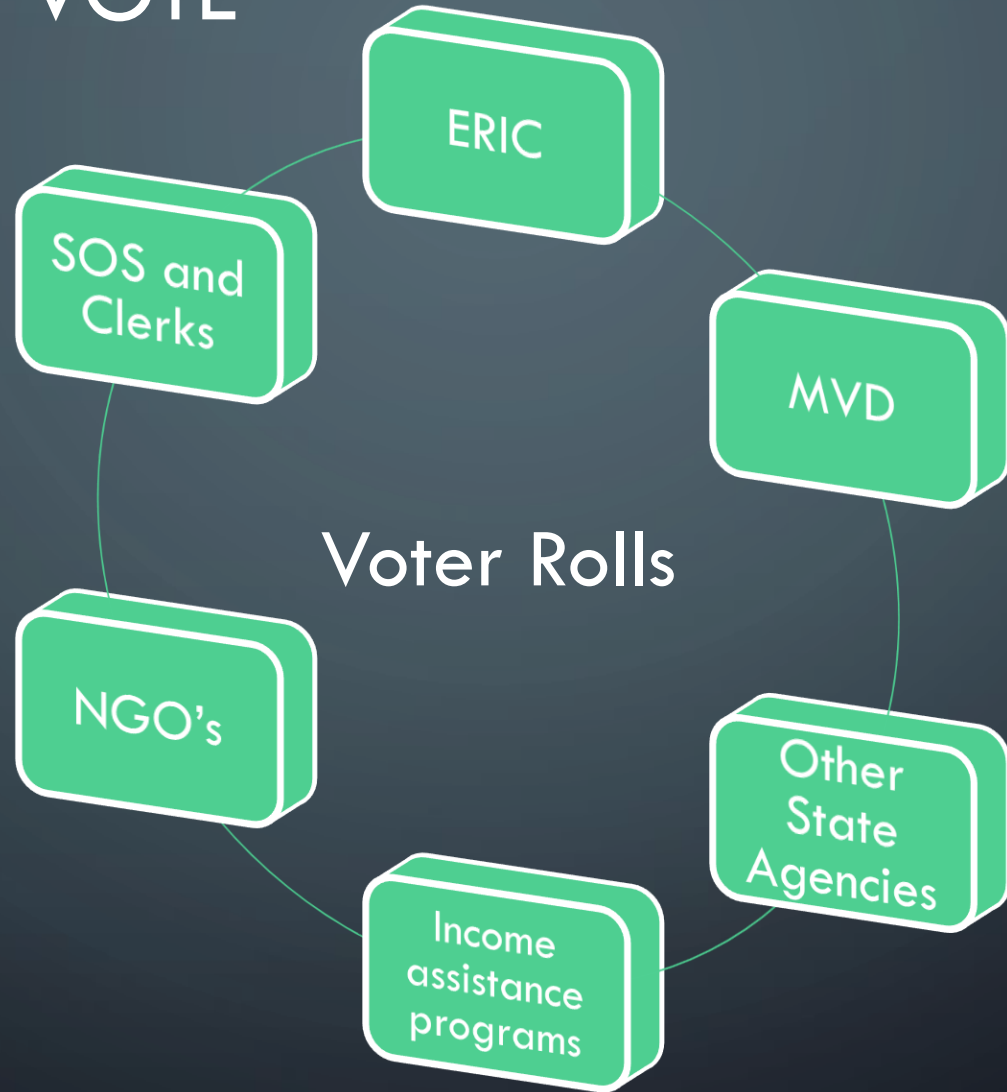
NON-GOVERNMENTAL ELECTION VENDORS

- Ink Impressions DBA AES – **Automated Election Services** – electronic pollbook and ballot-on-demand printing system, print and mail absentee ballots for some counties, election system maintenance and clerk support.
- CIS – **Center for Internet Security** (for Federally Funded Election Services)
- **Dominion Voting** –voting system tabulator contractor
- ERIC – **Electronic Registration Information Center, INC.** – “non-profit” membership organization whose stated mission is to assist states in improving voter role accuracy and increasing access to voter registration
- **Robis AskED** – electronic pollbook and ballot-on-demand printing system.
- **Vandelay Solutions** – Election Consulting by Sen. Daniel Ivey-Soto

NON-GOVERNMENTAL ORGANIZATIONS

- **There are many Non-Governmental Organizations (NGO's) that influence election laws and policies in New Mexico. Examples include:**
 - **Rock the Vote**
 - **Center for Tech and Civic Live**
 - **Ole – formerly Acorn**
 - **NM Café Center for Civic Policy**
 - **Progress now NM**
 - **Common Cause NM**
 - **And many more**

REGISTER TO VOTE



SOS AND COUNTY CLERKS

- SOS is Responsible for administering elections according to New Mexico statutes set by the Legislature. The SOS then reports results to the Public.
- County Clerks are responsible for administering elections in their counties according to New Mexico statutes set by the Legislature and reports results to the Secretary of State.
- **State election Handbook:** <https://www.sos.state.nm.us/candidate-and-campaigns/how-to-become-a-candidate/nm-election-handbook/>
- **NM Administrative Rules:** <https://www.sos.state.nm.us/legislation-and-lobbying/legal-resources/nm-administrative-rules/>

ERIC

- Electronic Registration Information Center, Inc. They are down to 29 Member States and D.C..
- New Mexico signed a contract on 5/26/2016 with ERIC. (Signed by Secretary of State Brad Winter.)
- FY 2021 NM paid ERIC \$20,049.00 (Sunshine Portal)
- FY 2022 NM paid ERIC \$19,566.94 (Sunshine Portal)
- FY 2023 (so far) NM paid ERIC \$30,830.00 (Sunshine Portal)
- September 23, 2022, the SOS sent out 49,220 Eligible But Unregistered (EBU) notices in accordance with the state's participation in ERIC. No reports of removing voters due to death, change of address or duplicate registration could be found, which is also a reporting function of ERIC .

MVD AND OTHER STATE AGENCIES

- The National Voter Registration Act of 1993, (52 U.S.C. 20501 – 20511) which took effect on January 1, 1995, required the state governments to offer voter registration opportunities to citizens when they interact with government agencies, as well as by mail.
- Prior to 2018, registrations processed at MVD were transferred to individual counties by paper and county clerks entered the new registrations into the system. In 2018, all MVD offices across the state were given write-access to the voter roles.
- Income assistance programs offer applicants the opportunity to register to vote as well.
- <https://www.congress.gov/bill/103rd-congress/house-bill/2>

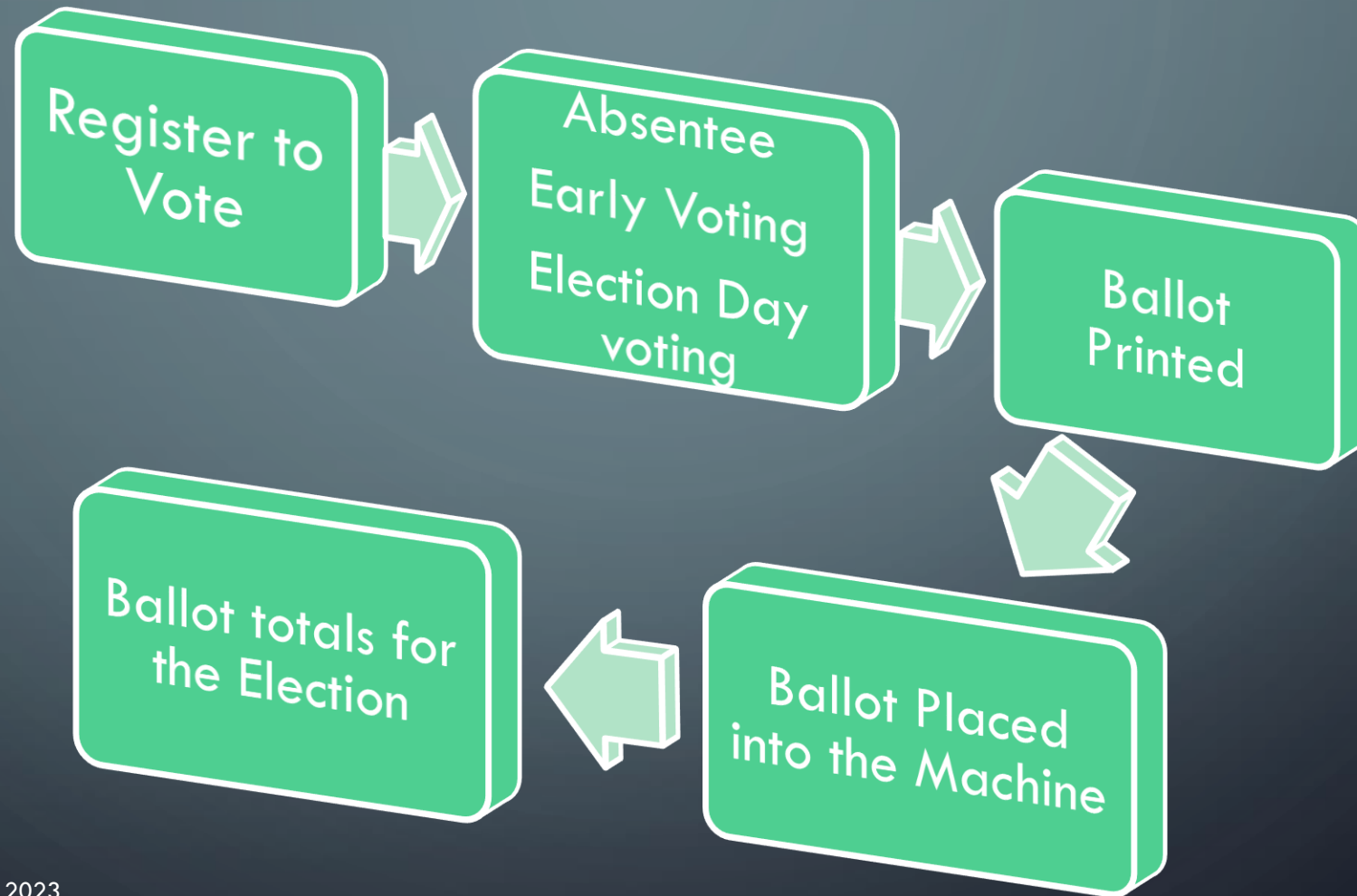
HELP AMERICA VOTE ACT 2002 (HAVA)

- Created the **Election Assistance Commission (EAC)** to establish standards for electronic election systems and assist states in certifying electronic election systems.
- The current guidelines are the Voluntary Voting System Guidelines (VVSG) 2.0 which were adopted February 10, 2021.
- In order for the state to receive HAVA Grant funds they must be in compliance with the guidelines.
- In 2020 New Mexico was awarded \$8,853,131 in HAVA Grant funds with a 20% state match required (1,215,705) for a total of \$10,068,836 disbursed over the past 3 years. (New Mexico Grant Report, EAC)

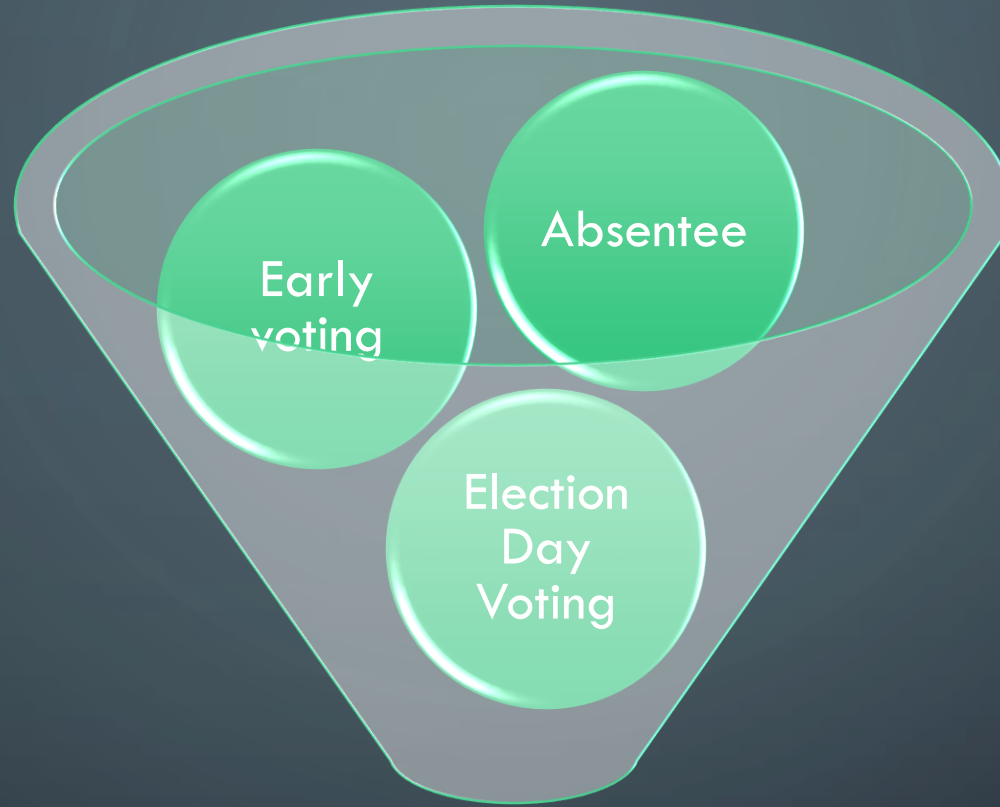
NGO'S

- Rock the Vote, a 3rd party NGO, has enhanced access to voter rolls in several states.
- Correspondence between the NM SOS and Rock the Vote indicate this enhanced access was granted in New Mexico as well.
- You can check your voter registration on the Rock the Vote website. This has been concerning for privacy advocates.
- Other NGO's operating in New Mexico have a similar mission but don't appear to have enhanced access to the voter rolls at this time.

THE STORY OF THE BALLOT



VOTING



Ballots printed on demand
through internet connected
Electronic Poll books

ABSENTEE VOTING

- No excuse absentee voting is legal in New Mexico.
- Absentee ballots are generally handled by the United States Postal Service.
- In 2020, the SOS used funds from the Center for Tech and Civic Life (Zuckerberg) to install “drop boxes” statewide.
- Several Counties in New Mexico have opted not to use drop boxes. When last reviewed those counties were Chaves, Curry, DeBaca, Eddy, Lea, Quay, San Juan and Torrance.
- Statute requires absentee ballot envelopes be signed and the birth year of the voter provided however there is no signature verification.

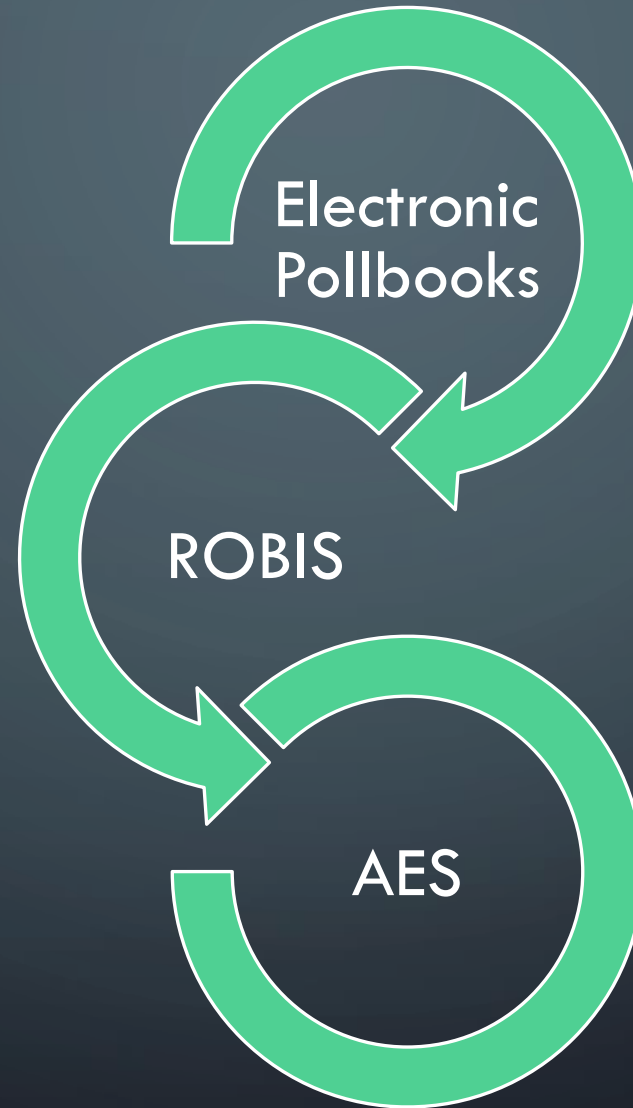
EARLY VOTING

- Early Voting commences on the twenty-eighth day preceding the election through the Saturday immediately prior to the election.
- Voter ID is not required to vote except in the city of Rio Rancho or if it is the first time you have voted in a Federal election since registering.
- There are security concerns about extended voting periods since the e-pollbooks are connected to the internet. Communications between the SOS and county clerks discuss the SERVIS (State server) slow downs and multiple problems with technology during the 2022 early voting cycle.

ELECTION DAY VOTING

- No voter ID is required except in Rio Rancho or if it is the first time you have voted in a Federal election since registering.
- There were multiple tabulator issues reported in several counties, including Bernalillo and Sandoval during the 2022 General Election.
- Lines can be long since polling places are at “voter convenience centers” and not at precincts.
- Voter convenience centers also require internet connectivity because the e-pollbooks must be able to print multiple ballot types.

BALLOTS PRINTED



ROBIS

- Electronic pollbook (e-pollbook) and ballot printing system.
- Registered with the SOS as a Foreign Profit Corporation, registered agent is David Davoust.
- E-pollbooks are connected to the internet during early and same day voting.
- The last testing conducted by an independent authority was reported on December 1, 2011, by SLI Global Solutions. (SOS website)
- FY 2021 rental \$3,840,500.24 (non-statewide election year) (Sunshine portal)
- FY 2022 rental \$5, 257,073.22 (statewide election year) (Sunshine portal)
- FY 2023 rental \$3,407,607.01 (as of Nov. 2022) (Sunshine portal)

INK IMPRESSIONS INC. DBA AES ELECTIONS SYSTEMS

- Electronic pollbook and ballot printing system.
- Registered with the New Mexico SOS as a Domestic Profit Corp. registered agent Terry A. Rainey.
- E-pollbooks are connected to the internet.
- The last testing conducted by an independent authority was reported on December 1, 2011, by SLI Global Solutions. (SOS website)
- FY 2021 rental and supplies \$2,703,241.74 (non-statewide election year) (Sunshine portal)
- FY 2022 rental and supplies \$2,714,438.16 (statewide election year) (Sunshine portal)
- FY 2023 rental and supplies \$1,576,438.19 (as of Nov. 2022) (Sunshine portal)

BALLOT PLACED INTO THE MACHINE



DOMINION

- Dominion is the company used for ballot tabulation and printing of ballots for those with disabilities.
- Dominion is registered with the Secretary of State as a **Foreign Profit Corp.** registered agent is Cogency Global Inc., John Poulos director.
- Dominion tabulators are not supposed to be connected to the internet. They use an “air gap” to protect the Dominion Server.
- The last testing conducted by an independent authority was completed on August 24, 2017, by VSTL . (SOS website)
- FY 2021 maintenance and supplies \$1,817,535.01 (non-statewide election year) (Sunshine portal)
- FY 2022 maintenance and supplies \$1,425,614.74 (statewide election year) (Sunshine portal)
- FY 2023 maintenance and supplies \$1,198,674.27 (as of Nov. 2022) (Sunshine portal)

DOMINION

- There are two types of Dominion tabulators used in New Mexico. The Image Cast Central (ICC) and the Image Cast Evolution (ICE).
- ICC tabulators are used to process absentee ballots in New Mexico's six largest counties, plus Los Alamos County.
- ICC tabulators are an off-the-shelf, high-speed scanner attached to a desktop computer and monitor.
- ICE tabulators are used in all in person voting. Tabulators are dedicated for either early voting or election day voting.
- ICE tabulators have an internal printer.

DIVERSION BIN AND ADJUDICATION

- ICE tabulators have an interior diverter tray used to separate ballots with write-in votes from the rest of the ballots.
- The diverter tray has a limited capacity.
- ICC tabulators have a feature called “adjudication” where batches of ballots are sent electronically to a reviewer, who can interpret votes on ballots if a ballot is under or over voted.

DOMINION TABULATORS



Image Cast Central
(ICC)



Image Cast Evolution
(ICE)

BALLOT TOTALS FOR THE ELECTION

County Clerks
& County
Election
Boards

County
Canvassing
Board

State
Canvassing
Board

COUNTY CLERK & COUNTY BUREAU OF ELECTIONS

- Vote totals are printed by tabulators and exported electronically to county Election Management System.
- County Clerks “canvass” results within the county using the reports generated by the Election Management System.
- NMSA (1978) 1-13-4, and as stated in the post election procedures in Article 13

COUNTY CANVASSING BOARD

- The County Canvassing Board, generally consisting of the County Commissioners, “certify” the county totals for the election.
- NMSA (1978) 1-13-1, 1-13-2, 1-13-5, 1-13-6, 1-13-7, 1-13-9, 1-13-13

STATE CANVASSING BOARD

- The State Canvassing Board Certifies statewide results after all the counties have certified.
- The State Canvassing Board Consists of the Governor, Secretary of State and the Chief Justice of the Supreme Court.
- NMSA 1-13-15

RISK LIMITING AUDITS

- The post election audit results are located on the SOS website.
- There are 2163 precincts in New Mexico.
- In the last audit, 137 precincts were chosen based on the formula and requirements in the election code.
- The accounting firm of Zlotnick & Sandoval, PC is responsible for the audit of the 2022 General Election.
- The procedures for the post election audit can be found in NMSA (1978) 1-14-13.2, 1-14-13.3

COST OF THE CURRENT SYSTEM

- As you can see from previous slides the cost of the current election system is enormous.
- To provide a perspective, New Mexico has 1,364,559 voters. Only 52% of the voters voted in the 2022 General election (711,556 voters).
- The Secretary of State has requested \$17.2 million in general fund revenues for its Elections Program. A 68.9 percent increase from the 2023 operating budget.
- Each county also has an election budget. Sandoval County budget was \$1,159,652 for FY 2022.

COST OF THE CURRENT SYSTEM

- The state has a Department of Information Technology, the Secretary of State has an IT department, and each county clerk has information technology. The amount of technology needed to run the election system apparently surpasses the states capabilities.
- **Tecuity Inc. a Foreign Profit Corp.** registered agent, Incorp Services, Inc. for Information Technology services. (SOS Website): **FY 2023** (so far) \$1,046,729.
- **Know Ink, LLC, a Foreign Limited Liability Co.** registered agent, Incorp Services for Information Technology. (SOS Website): **FY 2022** \$105,750.
 - **FY 2023** (so far) \$117,750. (Sunshine portal)
- **Risksense, Inc. , Foreign Profit Corp.** registered agent C T Corp system, Services for Information Technology. (SOS Website) **FY 2022** \$113,511. (Sunshine portal)

SIMPLICITY, THE CURE FOR CHAOS: SOME THINGS TO CONSIDER

HAND COUNT

Properly planned and staffed, hand counting is a fraction of the cost of operating and maintaining the current system.

Hand counting will put tax dollars into the hands of citizens employed to do the work instead of third-party vendors.

Small precinct level voting and counting to ensure participation and accuracy.

The law views hand counts as superior to machine output.

LIMITED ABSENTEE VOTING

Absentee voting should be reserved for overseas military personnel, the disabled and hospitalized.

Identification and authentication of absentee ballots should be reimplemented and enforced.

ONE DAY

Election day could be a holiday, and everyone should be encouraged to participate in the election process.

Voter ID ensures all votes cast are cast by registered voters .

Small precincts ensure elections are returned back to the people on a local level and can be hand counted and reported on the same day.

This is done in many countries throughout the world and was done in the US until recently.



IT IS UP TO THE VOTERS TO UNDERSTAND THE SYSTEM IN ORDER TO MAKE IT WORK FOR US

Proverbs 11:1 “The Lord abhors dishonest scales, but accurate weights are his delight.”

Thank you, Erin, for your valuable expertise in creating this
educational program