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FINANCIAL STATUS REPORT
(Long Form)
(Follow instructions on the back)

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1. Federal Agency and Organizational Element to Which Report is Submitted	2. Federal Grant or Other Identifying Number Assigned By Federal Agency	OMB Approval No.	Page of
General Services Administration	Title I & Title 2, Section 251 & 101	0348-0039	1 of 10 pages

3. Recipient Organization (Name and complete address, including ZIP code)
New Mexico Secretary of State's Office, 325 Don Gaspar, Suite 300, Santa Fe, New Mexico 87503

4. Employer Identification Number	5. Recipient Account Number or Identifying Number	6. Final Report	7. Basis
85-60000565		☐ Yes ☑ No	☐ Cash ☑ Accrual

8. Funding/Grant Period *(See instructions)* From: (Month, Day, Year)	To: (Month, Day, Year)	9. Period Covered by this Report From: (Month, Day, Year)	To: (Month, Day, Year)
6/30/2003	6/30/2008	12/31/2005	12/31/2006

10. Transactions:	I Previously Reported	I This Period	III Cumulative
a. Total outlays	6,862,130.00	12,729,213.00	19,591,343.00
b. Refunds, rebates, etc.		635,343.00	635,343.00
c. Program income used in accordance with the deduction alternative			0.00
d. Net outlays *(Line a, less the sum of lines b and c)*	6,862,130.00	12,093,870.00	18,956,000.00
Recipient's share of net outlays, consisting of:			
e. Third party (in-kind) contributions			0.00
f. Other Federal awards authorized to be used to match this award			0.00
g. Program income used in accordance with the matching or cost sharing alternative			0.00
h. All other recipient outlays not shown on lines e, f or g			0.00
i. Total recipient share of net outlays *(Sum of lines e, f, g and h)*	0.00	0.00	0.00
j. Federal share of net outlays *(line d less line i)*	6,862,130.00	12,093,870.00	18,956,000.00
k. Total unliquidated obligations			
l. Recipient's share of unliquidated obligations			
m. Federal share of unliquidated obligations			273,500.00
n. Total Federal share *(sum of lines j and m)*			19,229,500.00
o. Total Federal funds authorized for this funding period			19,279,000.00
p. Unobligated balance of Federal funds *(Line o minus line n)*			49,500.00
Program income, consisting of:			
q. Disbursed program income shown on lines c and/or g above			
r. Disbursed program income using the addition alternative			
s. Undisbursed program income			
t. Total program income realized *(Sum of lines q, r and s)*			0.00

11. Indirect Expense

a. Type of Rate *(Place "X" in appropriate box)* ☐ Provisional ☐ Predetermined ☐ Final ☐ Fixed

b. Rate	c. Base	d. Total Amount	e. Federal Share

12. *Remarks: Attach any explanations deemed necessary or information required by Federal sponsoring agency in compliance with governing legislation.*

13. Certification: **I certify to the best of my knowledge and belief that this report is correct and complete and that all outlays and unliquidated obligations are for the purposes set forth in the award documents.**

Typed or Printed Name and Title	Telephone (Area code, number and extension)
Rebecca Vigil-Giron, Secretary of State	(505) 827-3632
Signature of Authorized Certifying Official	Date Report Submitted
Rebecca Vigil-Giron	December 27, 2006

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Narrative for the Help America Vote Act of 2002

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As per public law 107-252-10/29/2002 U.S.C 15301, the state will comply with the requirement of Title I , II, and III of the Act; Improving the administration of elections. The purpose is to educate voters concerning voting procedures, voting rights and voting technology; training election officials, poll workers, and election volunteers, replacing voting systems and technology and methods for the casting and counting of votes; Improving the accessibility and quantity of polling places including providing physical access or individuals with disabilities, providing non-visual access for individuals with visual impairments.

The Chief Election Officer budgeted the funding of $19, 279,000 for a "Voter Registration System" in the amount of $5,279,000, the purchase of HAVA compliant voting machines for $9,000,000, a state wide voter education system for $4,000,000 and a program for "Poll Worker Training" for $1,000,000

Within the Primary and General Election the Chief Election Officer approved the design, print and distribution of the "Election Voter Guide" to all eligible voters made available as both a newspaper insert in every county as well as by copies distributed through the county clerks. The guide is designed to educate the public about the Help America Vote Act. The guide gave information on the Election Calendar, voter ID rules, polling places, voter registration information, ES&S AutoMARK ballot marking system and ballot readers. It also gave information who to contact at the Count Clerks and the Administrative Compliant procedure, voter fraud how to prevent and report such actions. Other vital information listed absentee vote procedures, early vote, and provisional ballots. Another interest gave information on what poll workers and election officials roles are (who are they, what is the law). The guide gave the voters a Voter Bill Rights description including a segment on the Native American Voting Rights. Under Title I of the Help America Vote Act the guide also included items for accessibility in the polling places, assistance at the polls for individual with disabilities

The "Training and Voter Outreach Program" was conducted over a three day period and covered many aspects of election administration and includes the training of voting machine technicians. This training also included changes in the election law with respect to the Help America Vote Act. Audio and Visual instructional materials were also distributed to the counties as part of the training they received.

The budgeted amount of $9,000,000 for the purchase of 1,400 voting machines was expended in two phases for a total $9,000,000 to included a match expense from the state of $800,000.

The other items that were purchased were the Identity Security systems –VREMS and a voter view public module. Licenses were purchased for the voting machines.

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The non-partisan Voter Education Program from Section 101 of the Help America Vote Act consisted of television multi-media advertisements in English, Spanish and Navajo. This process has greatly assisted in promotion of voter education and voter turn out.

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The focus of the non partisan voter education campaign was to ensure that voters were advised of their voting rights under the law. There were a number of radio advertisements and television commercials that were produced to cover the various issues of voter rights education including: Voter registration specifics to include cut –off dates and other specifics, messages on absentee voting requirements, dates, application forms, and other specifics. Instructions on the Administrative Compliant Process created by HAVA, an how to contact elections officials to process those complaints. Information is noted regarding voters with disabilities having the right to request assistance at the polls. Also, inclusive of the advertisements are the right to under HAVA to a Provisional Ballot and how to utilize it, voter identification requirements at the polls. Early voting dates and other specifics include how to locate polling locations on the website for the office, the toll number or to call the local county clerk. The information including on radio also identifies election day polling place times.

All of the categories of expenditure were in compliance with the State Plan approved and executed in 2002-2003.

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NEW MEXICO STATE PLAN

Rebecca Vigil-Giron, Secretary of State
Santa Fe, New Mexico

As Required by Public Law 107-252
Help America Vote Act 2002, Section 253(b)

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NEW MEXICO PRELIMINARY STATE PLAN

Introduction

This preliminary New Mexico State Election Plan is proposed in accordance with Public Law 107-252, Help America Vote Act 2002, Section 253(b). The Help America Vote Act (HAVA) was signed into law on October 29, 2002 and was enacted to assist States in the administration of Federal elections and to "establish minimum standards for States and units of local governments with the responsibility for the administration of Federal elections." The Act includes provisions for statewide voter files, voting systems that are accessible to the disabled and language minorities, provisional voting, voter education, and election official training. The Act requires each State to submit a Plan that meets the requirements of the Act.

In January of 2003, Secretary of State Rebecca Vigil-Giron began the process of appointing a HAVA Advisory Commission comprised of county clerks, legislators, representatives from the disabled community, language minorities, and other stakeholder advocacy groups.
Meetings of the Commission were held in April and May of 2003 (agendas attached.) This Plan incorporates comments and ideas developed by the Commission on how the Secretary of State should proceed in implementing the provisions of the Help America Vote Act.

Because of New Mexico's progressive leadership in the administration of elections, it is in a unique position to implement HAVA. Many of the provisions of the Act are already in State law and the State was in the process of instituting certain portions of HAVA prior to its eventual enactment. The Plan identifies those areas of HAVA where New Mexico is already in compliance. It also identifies those areas where the State does not comply and addresses steps needed to bring the State into compliance. The Plan will also address those areas where there is technical compliance, but where there is still room for improving the process.

The public comment period was from June 23, 2003 through July 23, 2003. Public notice was provided through the media, on the agency web page and press releases. Copies of the plan were available at all county clerk's offices, on the agency web page, at the Office of the Secretary of State and through dissemination to Advisory Commission members. Twenty-five written comments were received and all but six of these were received by e-mail. There were approximately 20 telephone comments. Two written comments were received from Advisory Commission members and several suggestions have been incorporated into this final plan. The final Plan will be submitted for inclusion in the Federal Register in compliance with the provisions of HAVA.

Preliminary State Plan Summary

The Plan recommends that New Mexico adopt the following action items in response to the Help America Vote Act:

1) complete the installation of a computerized statewide voter registration file that is a single, interactive database or all registered voters;

2) purchase and install in each polling place in New Mexico a ~~touch-screen direct recording electronic~~ HAVA compliant voting device with audio assist for persons with disabilities and alternate language speakers;

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3) increase access to the elections process for all voters of the state through the design and dissemination of election information, necessary improvements to polling places, voter education and election official training;

4) formulate a comprehensive and intense informational program informing voters on how to receive provisional and replacement ballots and on the use of the toll-free telephone line for determining provisional ballot status;

5) establish an intensive certification training program for local election officials; and

6) gradually replace the state's current inventory of older direct recording electronic voting systems.

New Mexico ~~will certify~~ has certified that it has established a State Election Fund that is separate from the General Fund and ~~will include~~ has included provision for an administrative complaint procedure in statute. The Plan will be updated over time to reflect the state's progress and, with appropriate support through federal funding, will comply with all of the required mandates of HAVA.

Background

The State of New Mexico has continuously improved its election process over the past twenty years. Beginning in the mid-1980's, New Mexico began its transition from lever voting machines to direct recording electronic and optical scan voting systems. In recognition of the cost of voting systems acquisition, the state established the Voting Machine Revolving Fund, which is a no-interest funding mechanism that counties may use to purchase new systems. Gradually, the debt ceiling of the fund has been raised to $6.5 million, of which a portion is New Mexico's HAVA matching funds. New Mexico began acquiring touch-screen voting devices for use in the 2002 primary election.

New Mexico adopted the Federal Election Commission's Voting Systems Standards in 1993 and State law requires that all systems certified by the State must be independently tested and meet federal performance and test standards.

In the late 1980's New Mexico installed its statewide automated records system, which included an integrated voter registration system. The State was made responsible for the integrity of the voter file. In 1999, the legislature approved funding and the Office of the Secretary of State began the process towards installation of a new and more interactive system that incorporates voter registration with election management. The new system has been installed now in over half of the state's 33 counties and will be enhanced to meet HAVA requirements with a portion of the requirements payment.

New Mexico's Election Code is uniformly applied in all thirty-three counties and the code requires that a uniform ballot be used throughout the entire state. In order to maintain uniformity, the Office of the Secretary of State approves all ballot content and layout.

In 1991, four years prior to the effective date of the National Voter Registration Act, New Mexico began registering voters at motor vehicle offices.

Recognizing the need to expand opportunities for voting, the legislature approved "early voting" in 1993. Since then, beginning three weeks prior to an election, New Mexico's voters have been able to cast their ballots in person on a voting machine at alternate locations. Early voting has become popular for the convenience it provides the voter.

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In 1998, New Mexico began the use of an electronic election canvassing system to ensure accuracy of results and elimination of manual entry and mathematical errors. New Mexico is only one of three states nationally which has a triple audit of election returns. After counties audit the canvass, the state audits each county's returns through a system of duplicate returns which are forwarded directly from the precinct to the Office of the Secretary of State. After the Bureau of Elections completes its audit, the returns are again examined by independent auditors contracted by the State. Through this triple audit process, New Mexico can ensure that the integrity and accuracy of its canvass is maintained at the highest level.

Finally, since statehood, New Mexico's constitution and statutes have been committed to providing all of its election materials in both English and Spanish. In addition, in the late 1980's the Office of the Secretary of State established the Native American Election Information Program. This program is staffed with two full time employees who are fluent in Native American languages. They ensure the translation of ballots into eight native languages for radio broadcast and provide assistance to county coordinators in compliance with the language provisions of the Voting Rights Act.

Voting System Standards

Section 301 of the Help America Vote Act sets forth specific standards for voting systems. HAVA requires each voting system to: (a) permit voters before casting their vote to verify ~~whom~~ the candidates or questions they have voted for; (b) allow voters to change or correct their vote in a private and independent manner, inform voters if they have overvoted (voting for more than one candidate for a single office) and provide information to the voter on the opportunity to receive a replacement ballot; (c) have the capacity to produce a paper record with a manual audit capability; (d) be accessible for the disabled through the use of at least one ~~direct electronic voting system (DRE)~~ HAVA compliant voting system located at each polling place; (e) provide alternative language accessibility pursuant to Section 203 of the Voting Rights Act of 1965; and (f) comply with error rates established under the provisions of HAVA. In addition, each State is required to adopt uniform and non-discriminatory standards that define what constitutes a vote and what will be counted as a vote for each voting system used in the State.

VOTE VERIFICATION

The Direct Recording Electronic voting systems in use in New Mexico provide a full face ballot so voters can verify their ballot before it is cast and counted.

BALLOT CORRECTION, OVERVOTE NOTIFICATION AND REPLACEMENT BALLOTS

Direct Recording Electronic voting systems in New Mexico already provide an opportunity for voters to correct their ballots.

HAVA provides an opportunity for States using optical voting systems to comply with the requirements of the Act by establishing a voter education program specific to each voting system that notifies voters of the effect of overvoting. This notification requirement includes providing voters with instructions on how to correct the ballot.

New Mexico has long had both statutory language and administrative procedures in place for voters voting on optical scan voting systems at the polls. Additional instructional signs will be placed in all polling places. Instructions on obtaining a replacement ballot for absentee voters will be included in the ballot materials and the Secretary of State will post instructional materials for all voting systems on its web page. The State will also instruct county clerks to

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post the information on their web pages. Instructional materials and the information presented in signs at polling places will be made available in alternative, accessible formats for persons with disabilities.

MANUAL AUDIT CAPACITY

New Mexico statute requires that every voting system must have a manual audit capacity and the ability to produce a paper record. Other statistical information required is election date, precinct number, polling place, number of voters and number of votes cast, precinct board members, opening and closing of polls.

DISABILITY ACCESS

The Help America Vote Act requires voting systems to be accessible to voters with disabilities and senior citizens needing special assistance. There must be the same opportunity for access, privacy, participation and independence as all other voters enjoy.

New Mexico will use federal funding provided under HAVA to purchase one ~~direct-recording electronic system (DRE) touchscreen device~~ HAVA compliant voting system with audio assist for each polling place in the State.

This purchase will be one of the highest priority items and will include training counties in programming and maintenance. A voter education program will also be developed to ensure disabled voters are fully educated on the use of the new ~~DRE~~ HAVA compliant voting systems. Poll worker training programs will also be developed to provide workers with the necessary skills to operate the system on election day.

Also, New Mexico has long recognized the importance of providing accessible polling places as part of its voter outreach efforts. Since 1979, New Mexico has required that all polling places be accessible to the mobility impaired and also requires a physical inspection of polling places by county clerks prior to each primary election. To ensure compliance, the Office of the Secretary of State has provided instructional materials to county clerks to enable them to evaluate polling place accessibility. In keeping with this program, the state intends to collaborate with New Mexico Protection and Advocacy System in updating all instructional materials and finding ways to encourage those with disabilities to exercise their right to vote in a private and secure manner. Contingent on additional funding, a variety of methods, including the use of independent consultants and local disability groups, will be used to assure that each polling place in New Mexico is surveyed for disability access, and a remedial plan is developed to address any deficiencies.

The State's voting system certification process will require that ~~the DRE~~ any voting system purchased for use by the State will meet all federal and state standards.

ALTERNATIVE LANGUAGE ACCESSIBILITY

The Help America Vote Act requires voting systems to provide alternative language accessibility pursuant to the requirements of Section 203 of the Voting Rights Act of 1965.

New Mexico has provided, under both Constitution and statute, that all election materials be provided in both Spanish and English. Where a minority language is historically unwritten, all proclamations, registration or voting notices, instructions, assistance or other information relating to the electoral process shall be made available orally in the respective minority language, through the media when practicable, in public meetings and on election day at the polls.

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relating to the electoral process shall be made available orally in the respective minority language, through the media when practicable, in public meetings and on election day at the polls.

The Office of the Secretary of State created its Native American Education Information Program in 1988. Two Native American Bureau of Election employees provide intensive and detailed election information to tribes in the State. Election Proclamations and the content of proposed ballot questions are translated into 9 native languages and radio broadcast in counties with pueblo and tribal citizens to inform them of the intent and effect of these questions.

In addition, counties with large native populations have local programs and Native American staff members who serve the surrounding populations and provide registration and election information programs. The Office of the Secretary of State provides training and assistance to local Native American coordinators. Counties with native populations provide translators at polling places on election day and the same voting system which will provide audio assistance to the visually impaired will also provide alternative language accessibility.

ERROR RATES AND DEFINITION OF VOTE

HAVA requires that the error rate of all voting systems used to conduct federal elections shall comply with the current error rate standards established by the Federal Election Commission. These error rates are errors attributed to the voting system, not to actions attributed to individual voters.

All voting systems certified in New Mexico are required to meet the federal standards under state statute. Any future systems acquired in compliance with HAVA requirements will also meet established federal error rates.

HAVA also requires that States adopt "uniform and non-discriminatory standards" for what constitutes a vote and what will be counted as a vote. Because New Mexico has seen an extraordinary increase in the use of absentee ballots by voters, the state has established by statute, a uniform, statewide definition of what constitutes a vote on paper ballots. The state has also defined a vote on each of its direct recording electronic systems.

Provisional Voting and Voting Information

PROVISIONAL VOTING

HAVA requires every State to provide a provisional ballot (also referred to as "fail safe voting" under the National Voter Registration Act) to any individual who declares that they are a registered voter and are eligible to vote in a federal election. The Act also requires the State to provide a "free-access" system so that an individual who casts a provisional ballot may determine whether or not their vote was counted.

New Mexico has used the "fail safe" voting provisions of the National Voter Registration Act of 1993. Provisional Voting has been enacted into state law and will be a welcome expansion of "fail safe" voting. New Mexico will develop a provisional voting program, with all election materials necessary to allow voters to take full advantage of provisional ballots. In order for voters to determine the disposition of their provisional ballot, the Office of the Secretary of State will make available its toll free phone line. County election officials will provide a report on the disposition of each provisional ballot to the Secretary of State's Bureau of Elections. An administrative rule has been enacted which establishes procedures for provisional voting.

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VOTING INFORMATION

HAVA requires certain voting information to be posted at every polling place on election day, including a sample ballot; instructions on how to vote and cast a provisional ballot; instructions for mail-in registrants and first time voters; and general information on voting rights and voter fraud. This notice will be developed with the assistance of the state's HAVA commission and each voter will be given the Secretary of State's toll free number. Informational materials, and the information presented in signs at polling places, will also be made available in alternative, accessible formats for persons with disabilities.

New Mexico currently posts and publishes voter information in a variety of media at a variety of locations. Election Proclamations are published in legal notices for five consecutive days and constitutional amendments are published in legal notices, in every county, four times, in weeks prior to an election. These notices are also posted on the Secretary of State Rebecca Vigil-Giron's web page and broadcast in Native American languages. The Office of the Secretary of State also publishes a voter guide with a listing of offices and candidates on the ballot and the content (including pro and con arguments) of each constitutional amendment or general obligation bond. The Office of the Secretary of State has had a toll free telephone number for over 25 years so all voters of the state can receive voting assistance, inquire about the electoral process, or report irregularities at the polls.

In addition to the information currently provided, New Mexico is making plans to comply with all other voting information requirements of the Help America Vote Act.

Computerized Statewide Voter Registration System and Requirements for Voters Who Register by Mail

VOTER REGISTRATION SYSTEM

HAVA requires States to establish a "single, uniform, official, centralized, interactive, computerized state voter registration list defined, maintained and administered at the State level..."

In 1989, the New Mexico Election Code was amended to include the Automated Voter Records System Act, which requires the Office of the Secretary of State to establish a statewide computerized voter registration system. Office Information Systems staff coordinated with counties in monthly reports which noted any addressing errors or discrepancies; duplicate social security numbers (New Mexico is permitted under the Privacy Act of 1974 to require the entire social security number for voter registration); duplicate voters between counties; and deletions from county to county.

In 1999, the Secretary of State's office received legislative funding and began working with a committee of county clerks and data processors to establish a new statewide Voter Registration and Election Management System (VREMS). The committee developed system requirements, interviewed vendors, sought references from other states and worked with the State Purchasing Department in development of the Request for Proposals. After a selection was made by the committee, installation in the pilot county began in early 2000. Since then 16 counties have been fully converted, the state system is in the process of installation and all other counties are in various stages of data conversion and installation.

It is the intent of the Office of the Secretary of State that all counties will be converted and the system will be in statewide use for the 2004 Presidential Election. The system will meet all HAVA standards and is designed to meet the list maintenance requirements of the National

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Section 303 of the Help America Vote Act requires that first time voters who register by mail are required to submit documentation such as a valid photo identification, copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. HAVA also requires that the mail-in voter registration form ask separate "yes" or "no" questions regarding citizenship and age. The form also must contain a statement that informs voters that if they respond "no" to either question, then they are not to complete the form. The Act also requires that the form contain language informing the first time registrant by mail of the identification requirements.

The State of New Mexico has created a new registration form in compliance with these requirements and a process so the county clerks properly process these registrations and inform the first time applicants when they have failed to file the required documents.

Training and Voter Outreach

HAVA requires States to provide training programs for local election officials and poll workers. States are also required to establish programs for voter education.

TRAINING

Currently, the Secretary of State, as the chief election officer of the State, is required by the election law to "obtain and maintain uniformity in the application, operation and interpretation of the Election Code." As such, the Secretary of State has been required to conduct schools of election for all counties and to supervise the training of poll workers in the largest counties. In addition, the Secretary of State develops prints and distributes precinct board manuals. State law provides that all forms and instructions used must be prescribed by the Secretary.

The Secretary of State conducts election schools prior to each statewide election. These 2-3 day schools cover many aspects of election administration and include the training of voting machine technicians. Additional technician training is also made available upon request. In addition, the Secretary's Bureau of Elections regularly attends county clerk affiliate meetings to inform local election officials of their duties and of any changes to state or federal law.

The Office of the Secretary of State intends to expand training for both local election officials, as well as poll workers throughout the state. The Secretary of State ~~intends to~~ will develop an election official certification program in conjunction with the New Mexico County Clerk's Affiliate, whereby county election officials may earn credit for classroom training, on-the-job experience and attending seminars and meetings on election administration. Certification may include a process for the testing of election officials and on-site reviews of county election practices and procedures. After completion of sufficient credit hours, a certificate will be awarded. Ongoing certification will require continuous training and the attendance at seminars and meetings, as well as regular evaluation of administrative practices.

The Secretary of State also plans ~~to develop~~ greater emphasis on training for voting machine technicians to assure that counties do not rely on vendors for the operation and programming of their voting systems.

As a part of the state's training requirements, precinct board manuals will be updated regularly and, if sufficient funding is available, video instructional materials will be developed, appropriate to each voting system in use. Also being considered, is the use of role playing in the training of poll workers; the use of visual aids; the self-testing of poll workers following various training sessions; and ways of dealing with the shortage of poll workers in certain

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appropriate to each voting system in use. Also being considered, is the use of role playing in the training of poll workers; the use of visual aids; the self-testing of poll workers following various training sessions; and ways of dealing with the shortage of poll workers in certain areas.

~~In consultation with New Mexico Protections and Advocacy Systems and the American Association of Retired People video training sessions can be provided to poll workers on the needs of voters with disabilities, senior citizens, and other voters as well. The Bureau of Elections, as part of its mission, responds to queries from both county clerks and poll workers and the Bureau's staff will monitor and supervise poll worker training across the state.~~ Training will be provided to poll workers and election officials on the needs and legal rights of persons with disabilities, senior citizens, and others with special needs as they relate to the registration and voting process. In consultation with Protection and Advocacy System, the Governor's Committee on Concerns of the Handicapped, the New Mexico Commission for the Blind, American Association of Retired Persons, and other interested groups, training materials for this purpose will be developed and provided. As funds permit, a training video on these topics will be developed and used for such training.

The Bureau of Elections, within the Office of the Secretary of State, as part of its mission, provides training and technical assistance and responds to queries from both county clerks and poll workers, and the bureau's staff will monitor and supervise poll worker training across the state.

VOTER EDUCATION

User-friendly, non-technical voter outreach materials are important to inform voters of the requirements for registration, use of voting systems and their rights as a voter. One tool used in New Mexico is the Secretary of State's Voter Guide, published prior to General Elections, which includes a listing of offices and candidates on the ballot; a list of ballot questions; and an analysis of ballot questions in both English and Spanish. Similar information is provided to non-written Native American language speakers through radio broadcast.

The written pamphlet is provided on the Secretary of State's web site. Depending on funding availability, it is hoped that the Voter Guide can be mailed to every household in the state.

Registration instructions and requirements are included on the certificate of registration and on the Secretary of State's web page. Instructions to voters on the operation of voting systems are posted inside the privacy booth and absentee ballot instructions are included in the materials sent to voters. The Office of the Secretary of State intends to enhance its web page with the creation of a web-based voter query system with information on polling places, sample ballots and instructions on the voting system in use at each polling place. Instructions on provisional balloting will be placed on the web page and signs posted at the polls. Other web-based enhancements will be additional information provided to military and overseas voters, instructions for compliance with federal identification requirements for registration by mail, how to vote absentee, how to obtain a replacement absentee ballot, how to report suspected fraud, and how to file an administrative complaint. Informational materials will also be provided in alternative, accessible formats for persons with disabilities. The Secretary of State will remind relevant state agencies of their obligation to provide information about the voter registration and the opportunity to register through the state agency. This effort with include state agencies serving persons with disabilities.

The agency's Native American Election Information Program will coordinate with Navajo and Pueblo tribal administration to make native language video presentations of all materials.

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Other voter outreach programs being considered is a contest among the State's school children to develop a slogan and logo that can be used as part of a statewide effort to increase voter turnout; poll site information in alternative formats; access to polling place location information; the use of local access television and radio; recognition of voters with perfect voting records for an extended period of time; and the development of programs to encourage greater youth participation in the voting process.

Additional voter outreach will be undertaken to make sure the elections process is accessible and will always take into account the voter's needs, including curbside voting and ballot access for those with medical emergencies on election day. ~~and installation of TTY lines, where necessary~~. To promote access for the deaf and hard of hearing, the offices of the Secretary of State and the county clerks will obtain TDDs if they do not have and use them already, provide training to their staff on the use of these devices, and install separate lines for them if necessary. Through direct publicity campaigns and through state and community-based disability organizations, the state will undertake outreach efforts designed to educate people with disabilities about their right to register and vote, and how and where to do so.

Counties will be encouraged to apply for grants, under Section 261 of the Help America Vote Act, to upgrade facilities for better voter access.

Administrative Complaint Procedure

HAVA § 402(a)(1) requires New Mexico to establish and maintain a state-based administrative complaint procedure to remedy grievances under HAVA Title III, i.e. regarding voting systems standards, provisional voting and voting information requirements, and computerized statewide voter registration list requirements and requirements for voters who register by mail. HAVA sets forth the specific requirements of this administrative complaint procedure, and N.M. law [Laws 2003, Ch. 356, § 5 ("Ch. 356")] essentially mirrors these requirements. Following the development of the HAVA State Plan, the Secretary of State will adopt rules for this administrative complaint procedure in accordance with the State Rules Act [NMSA 1978 §§ 14-4-1 through 14-4-11 (1995)].

The administrative complaint procedure is intended both to be informal in nature and to work toward an administrative, not a judicial, resolution of the problem, in this case a complaint that there is a violation of HAVA Title III. The procedure will be flexible in addressing and resolving such complaints at the administrative level.

New Mexico's Election Code has long been structured and implemented to, in most instances, prevent or minimize the occurrence of voting problems. If any voting problems do occur, the State's Bureau of Elections and its county clerks all strive to immediately address and remedy the problem. Over the years, these election officials have been very successful in doing just that. Thus, New Mexico is in a good position to build upon its current problem-solving process through the implementation of the administrative complaint procedure envisioned by HAVA. New Mexico currently complies with most of the HAVA Title III requirements and ~~will not have to implement significant~~ has enacted changes to its Election Code to meet the Title III requirements that are new to the State. Consequently, New Mexico anticipates very few allegations of Title III violations that cannot be resolved informally as election officials have been doing for years.

The State anticipates that all aspects of its administrative complaint procedure will be open to the public. To meet the specific requirements of both HAVA and Ch. 356, New Mexico will adopt rules implementing an administrative complaint procedure as follows:

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A. Any complaint filed under the procedure must be limited to alleging a specific violation of Title III. In educating its voters, New Mexico will inform all voters about not only Title III's provisions but the procedures for filing a complaint. To ensure that the procedure is uniform and nondiscriminatory, both the information provided to voters and the administrative complaint procedure itself will be available in alternative languages and formats. HAVA § 402(a)(2)(A).

B. As they have always done, the county clerks and the Secretary of State will continue to address oral complaints in an attempt to resolve the problem informally and quickly. However, a formal complaint alleging a Title III violation must be submitted in writing to the Secretary of State's Bureau of Elections. A complaint form will, at minimum, be available from any county clerk and the Secretary of State, and be accessible on-line. HAVA § 402(a)(2)(B); Ch. 356, § 5(B).

C. A formal complaint alleging a Title III violation must be submitted to the Secretary of State's Bureau of Elections in writing, must be signed and sworn by the complainant, and must be notarized. HAVA § 402(a)(2)(C); Ch. 356, § 5(C).

D. If the Secretary of State receives duplicative or repetitive complaints alleging Title III violations, the Secretary may consolidate these for assessment, investigation and resolution. HAVA § 402(a)(2)(D); Ch. 356, § 5(B).

E. If the Secretary of State determines that a written complaint alleges an actual Title III violation and the complainant requests a hearing on his complaint, the Secretary of State will appoint a hearing officer to conduct a hearing on the record. If the complaint is directed at a county election official, the hearing officer may be an employee of the Secretary of State, or another person selected at the Secretary's discretion. If the complaint is directed at the Secretary of State, the Secretary shall appoint a neutral hearing officer with no working or personal relationship with the Office of the Secretary of State. The record will include, at minimum, the written complaint, any written response to the complaint, all documentation provided in support of or in defense of the complaint, and the written or audio record of any formal proceedings conducted with regard to the complaint. HAVA § 402(a)(2)(E); Ch. 356, § 5(D).

The investigation and resolution process may include, among other things, the following steps or actions by the Secretary of State, as she deems appropriate under the circumstances:

(1) send an acknowledgement letter to the complainant, and notify him that he is entitled to a hearing on the record;

(2) make an initial assessment of the complaint and determine whether it alleges a bonafide Title III violation;

(3) seek a response from the election official against whom a complaint is made;

(4) provide the complainant with a copy of any response received from the election official against whom a complaint is made and give the complainant an opportunity to reply;

(5) engage in informal resolution with the parties through a meeting, teleconference, or other means; or

(6) dismiss the complaint based on its clear failure to allege a Title III violation.

F. If the Secretary of State determines that a Title III violation has in fact occurred, the State shall provide a remedy appropriate to the violation. Any remedy shall be in compliance with the provisions of the New Mexico Election Code. Because neither HAVA nor Ch. 356 defines what an "appropriate remedy" might be for a Title III violation, the State has the flexibility not only to fix the problem, but to ensure that the problem does not recur. In no event shall the remedy involve either the payment of money to the complainant or a finding that an election official is subject to civil penalties. An appropriate remedy may include a

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written finding that Title III has been violated and the plan for rectifying the particular violation, an assurance that additional training will be provided to election officials so as to ensure compliance with HAVA and the New Mexico Election Code, a commitment to better inform voters of their rights, etc. By posting a notice on its website, and by distributing news releases as it deems appropriate, the Secretary of State's Office shall publicize the results of its assessment and investigation of the complaint that results in a finding that a Title III violation has occurred. HAVA § 402(a)(2)(F); Ch. 356, § 5(E).

G. If the Secretary of State determines that Title III has not been violated, the State shall dismiss the complaint. By posting a notice on its website, and by distributing news releases as it deems appropriate, the Secretary of State's Office shall publicize the results of its assessment and investigation of the complaint that results in a finding that no Title III violation has occurred. HAVA § 402(a)(2)(G); Ch. 356, § 5(E).

H. The Secretary of State shall make a final determination regarding a written complaint within 90 days after the complaint has been filed with the Secretary of State, unless the complainant consents to extending the deadline. This final determination shall be in writing, and will be provided to the complainant and the election official against whom the complaint was made. All efforts will be made to ensure that this 90-day timeline is met, but if additional time is needed, the State must request an extension of time from the complainant. If the complainant refuses to consent to an extension, either the State must make its final determination or the complaint will automatically proceed to alternative dispute resolution. HAVA § 402(a)(2)(H); Ch. 356, § 5(F).

I. If the Secretary of State fails to make a final determination within the 90-day timeline or as extended by consent of the complainant, the complaint shall be resolved pursuant to the procedures set forth in the New Mexico Governmental Dispute Resolution Act [NMSA 1978 §§ 12-8A-1 through 12-8A-5 (2000)]. This Act provides that the parties shall develop an agreement which will govern the alternative dispute resolution process. All the records and materials from the hearing shall be made available for use in the alternative dispute resolution procedure. The Secretary of State must adopt the agreement reached by the parties to the alternative dispute resolution procedure within 60 days after the complaint is referred for resolution under the New Mexico Governmental Dispute Resolution Act. HAVA § 402(a)(2)(I); Ch. 356, § 5(F).

HAVA gives the State the discretion to choose what it deems to be the most appropriate methods of complying with the elements of its HAVA State Plan. HAVA § 253(c). Generally, the right to judicial review is specifically provided by statute. Neither HAVA nor Ch. 356 provides a statutory right to judicial review of a determination made by the State pursuant to the administrative complaint procedure. The New Mexico Administrative Procedures Act only "appl[ies] to agencies made subject to coverage by law," NMSA 1978, § 12-8-23 (1969), and because Ch. 356 does not make the Secretary of State subject to this Act, the HAVA administrative complaint procedure need not comply with the Administrative Procedures Act requirements. New Mexico's administrative complaint procedure will build upon existing law and procedures, thus providing an informal and flexible approach to resolving Title III violations and, therefore, this procedure will not include judicial review provisions.

Funding Distribution and Controls

The Help America Vote Act requires States to include in their Plans information on how they plan to establish funds used to make expenditures to meet the various requirements of the Act; information on fund management; and information on estimated costs.

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Because New Mexico has no punch card or lever voting systems, federal replacement funds are not available to the state. It is anticipated that the initial $5,000,000 requirements payment will be used to complete installation of the statewide voter file and begin to purchase touch-screen DRE's with audio assist for each polling place in the State.

New Mexico has established an election fund account, separate from the State's General Fund and interest earned will be credited to this fund. The Secretary of State will centrally manage projects funded by HAVA requirements payments. Depending on the eventual level of federal funding, it may be possible to pay the costs of maintenance and ongoing improvements required by HAVA. To ensure uniformity in training and education, it is envisioned that the State will prepare all materials for dissemination to counties.

No funds will made available to private organizations.

Audits and Internal Controls

The State Auditor conducts audits of the Office of the Secretary of State and its programs. Audits conducted by the State Auditor will be conducted according to generally accepted auditing standards for financial audits issued by the Comptroller General of the United States.

The Secretary of State will ensure that all records are maintained and available for audit.

Maintenance of Effort

The Help America Vote Act requires a State that receives "requirements" payments to maintain the expenditures of the State at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November, 2000. This portion of the Act is often referred to as the "maintenance of effort" clause.

In New Mexico, HAVA funding will be used for new programs or enhanced efforts permitted under the Act, not for normal operating funding at the state or county level. The New Mexico State Legislature is aware of HAVA's maintenance of effort clause.

Performance Goals and Measures

The Secretary of State will, in collaboration with county clerks, establish performance goals and institute a process to measure progress. Activities include, but are not limited to:

Voter Education Materials	January 1, 2006
One HAVA Compliant DRE per Polling Place	January 1, 2006
Provisional Voting Requirements	~~July 1, 2003~~ September 1, 2003
Computerized Statewide Voter Registration System	January 1, 2004
Revised Mail-in Voter Registration Form	January 1, 2003
Election Official Training	January 1, 2006

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Poll Worker Training	January 1, 2006
Administrative Complaint Procedure	January 1, 2004

The following areas of each project will be measured and performance data will be collected for each: Scope (measure events affecting cost, implementation, schedule or quality); Schedule (progress toward goals); Resources (measures personnel and financial investment); Quality (measures effectiveness); and Risk (measures impact of certain events on operations). New Mexico has already enacted performance-based budgeting for all state agencies.

Ongoing Plan Maintenance

HAVA requires States to include in their Plan comments on how they will conduct the ongoing management of the Plan.

The New Mexico Secretary of State is the "chief state election official" responsible for the coordination of all State responsibilities under the Act. This Plan will be an essential component in New Mexico's continuing effort to improve the elections process and comply with the provisions of the Help America Vote Act. While this Plan is meant to meet the requirements of HAVA, it is also a matter of policy that the Plan be considered a living, flexible, working document designed to assist New Mexico in the management of the elections process.

The Secretary of State understands and agrees to comply with HAVA requirements related to the ongoing management of the Act. The Secretary of State will not make any material change to this Plan unless the change:

- is developed and published in the Federal Register in accordance with Section 255 of the Act;
- is subject to public notice and comment in accordance with Section 256 of the Act in the same manner as the State Plan; and
- takes effect only after the expiration of the 30-day period that begins on the date the change is published in the Federal Register.