

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Date: January 29, 2019

To: Santa Fe County Board of County Commissioners

From: Lupe Sanchez
Santa Fe County DWI Program

VIA: Kathrine Miller, County Manager
Rachel O'Connor, Santa Fe County Community Services Department

ITEM and ISSUE: BCC Meeting February 12, 2019
REAPPOINTMENT OF TAMARA ZAWISTOWSKI TO THE DWI PLANNING COUNCIL
(Lupe Sanchez, Community Services)

ISSUE:

This is concerning the reappointment of Tamara Zawistowski to the DWI Planning Council. Ms. Zawistowski term on the DWI Planning Council expired on January 31, 2019; she submitted an application and letter of interest to continue her service on the Planning Council. Ms. Zawistowski will be representing behavioral health consumers.

BACKGROUND:

The New Mexico Legislature enacted NMSA 1978, Sections 11-6A-1 through 11-6A-6 to address the serious problems caused by Driving While Intoxicated (DWI) in the State. Funds are generated from excise tax on the sale of alcohol, collected by the New Mexico Department of Taxation and Revenue, and administered by the Department of Finance and Administration (DFA). One of the requirements is that the county receiving funds must have a County DWI Planning Council to serve in an advisory capacity to the Board of County Commissioners.

Resolution 1997-87 established the original DWI Planning Council consisting of at least nine standing committee members. At this time there are currently five active members.

Amanda Grundler
Erica Abeyta
Susan Skea
Loralee Freilich
Jose Rodriguez

(City of Santa Fe)
(Santa Fe Community College)
(Behavioral Health)
(Business Community)
(Law Enforcement)

The DWI program through an advertisement on the County website sought citizens to serve on the Santa Fe County DWI Planning Council. The advertisement was posted on August 15, 2018, with the posting remaining open until all committee vacancies are filled. After reviewing the application for membership the current Planning Council members and staff are recommending the reappointment of the following individual:

Tamara Zawistowski

(Behavioral Health Consumers)

RECOMMENDATION:

With the support of the Santa Fe County DWI Planning Council staff recommends the reappointment of Tamara Zawistowski for the DWI Planning Council.

Lupe A. Sanchez

From: Tanya Zawistowski <ttanya@me.com>
Sent: Tuesday, January 08, 2019 10:22 AM
To: Lupe A. Sanchez
Subject: Letter for request of renewal of my membership

To whom it concerns,

Over three years ago I was charged with a DUI, which has since been deferred, but the impact it had on me and my life will forever remain. I know first hand that the Compliance Program works, and I am most grateful. I have become a huge advocate in the community, our schools, my inner circles and beyond, to help fight against drinking and driving. I have been an active member of the DWI Council for the last two years, and can only hope that my contribution has been a positive one. I work with the Attorney General/Judge Anaya on the Court for School Program, sharing my story in the hopes that if even just one is listening, they will make the right decision next time not to drive. As an active member of the Santa Fe community, I feel my participation with the DWI Planning Council would benefit our community, and I am requesting a renewal of my membership.

With best regards,
Tamara Zawistowski

Sent from Tanya's iCloud



GERALDINE SALAZAR
COUNTY CLERK
(505) 986-6280
gsalazar@santafecountynm.gov

VICTORIA L. TRUJILLO
Chief Deputy Clerk
505-995-6535
vtrujillo@santafecountynm.gov

MEMORANDUM

DATE: February 6, 2019
TO: Board of County Commissioners
VIA: Katherine Miller, County Manager
FROM: Geraldine Salazar, Santa Fe County Clerk
CC: Steve Fresquez, Chief Deputy Bureau of Elections
Theresa Atencio, Elections Administration Supervisor
RE: **Resolution No. 2019-_____, A Resolution Appointing Three Members and Two Alternates to the Board of Registration**

ISSUE: At its first regular scheduled meeting in February of each odd-numbered year, state law requires the Board of County Commissioners (BCC) to appoint (i) three voters, who shall constitute the Board of Registration for the County, and (ii) two alternates. Appointments are made from ranked lists of candidates provided by the county chairs of qualified political parties.

BACKGROUND:

What the Board of Registration does. The purpose of the Board of Registration is to carry out the list maintenance provisions of the Election Code and The National Voter Registration Act of 1993. That is, to delete any voter who has not appeared to vote in at least one statewide or local election in approximately four years after being designated as “inactive”. A voter is initially designated as “inactive” based on a mailing to confirm the voter’s address.

New Mexico conducts its list maintenance procedures through the Office of the Secretary of State, which contracts with a National Change of Address (NCOA) program vendor. The entire state voter file is run against the Postal Service’s records. Any registered voter whose name appears on the Postal Service records is sent a confirmation card.

The confirmation card ensures that the postal records are correct. If the voter has moved, they are flagged on the county file as “inactive”. Only after a voter has been inactive from the date of the confirmation notice until after the second general election, not appeared to vote in any election (including school, municipal and special elections) and failed to

reregister during that period of time, are they deleted from the file. If a voter reregisters to vote at a new address, or appears to vote in any election, they are restored to active status.

Voters are never deleted from the voter registration files solely for non-voting. The intent of Congress when it passed the National Voter Registration Act was that, once registered, a voter stays registered for life, unless they move to another county or state, have not been released from the obligations imposed by the court as a result of a felony conviction or have been declared incompetent by a court. Also, voters who are scheduled for deletion from the file are noticed sixty days prior to deletion, so they may be restored to active status if there is an error, or if they need to update their registration.

How Board of Registration members and alternates are appointed; limits on the number of members and alternates that may be of the same political party. Santa Fe County's political party chairs were notified and asked to submit names for consideration by the BCC. As required by law, the chairs indicated their preference for appointment "by placing the number 1, 2, 3 or 4 opposite the name of each person on his list respectively." NMSA 1978, § 1-4-34(B). Exhibit A contains the Democratic, Republican, and Libertarian Party's' nominations for the Board of Registration in order of preference.

The BCC is required to appoint members and alternates "from the lists of the county chairmen" and to "give preference to the names in the order indicated by the numbers on the list." NMSA 1978, § 1-4-34(D). In addition:

- "No more than two of the three persons appointed to the board of registration shall be members of the same major political party at the time of their appointment"; and
- The two alternates "shall not belong to the same political party at the time of their appointment."

NMSA 1978, § 1-4-34(B)-(C).

REQUESTED ACTION: Santa Fe County Clerk Geraldine Salazar respectfully requests that the BCC appoint three members and two alternates to the Board of Registration and adopt the subject resolution with the members and alternates names added to the signed and recorded version of the resolution.

Exhibits:

Exhibit A – Party Nominations for the Board of Registration

Exhibit B – State Statutes Concerning Board of Registration

Exhibit C – Proposed Resolution Appointing Three Members and Two Alternates to the Board of Registration

Party Nominations for the Board of Registration

Democratic Party

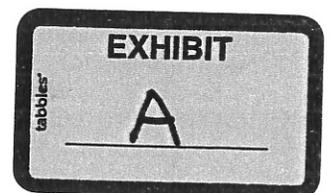
1. Clifford M. Rees
2. Anne Albrink
3. Dan Cron
4. Diana Orozco-Garrett

Republican Party

1. Paul Morrison
2. Ed Brown
3. Kerry Boyd
4. William Modahl

Libertarian Party

1. Bob Walsh
2. Steven Gonzales



1-4-33. Board of registration; county chairman's list.Statute text

A. On or before the first Monday of February of each odd-numbered year the county chairman of each of the qualified political parties may furnish the board of county commissioners the names of four voters in the county, each of whom is able to read and write legibly and is otherwise competent to perform the duties required of a member of a board of registration.

B. Each county chairman who submits the list provided for in Subsection A of this section shall indicate his preference for appointment to the board of registration by placing the number 1, 2, 3 or 4 opposite the name of each person on his list respectively.

History

History: 1953 Comp., § 3-4-31, enacted by Laws 1969, ch. 240, § 89; 1975, ch. 255, § 51.

1-4-34. Board of registration; county commissioners; appointment.Statute text

A. The board of county commissioners shall at its first regular scheduled meeting in February of each odd-numbered year appoint three voters who shall constitute the board of registration for the county.

B. No more than two of the three persons appointed to the board of registration shall be members of the same major political party at the time of their appointment; provided that if a major party has no registered, qualified elector who is able to fill the position, a registered, qualified elector from another major party may be chosen by the county clerk.

C. In addition, the board of county commissioners shall appoint two alternates who shall not belong to the same political party at the time of their appointment.

D. In making all appointments to the board of registration or as alternates to the board of registration from the lists of the county chairmen, the board of county commissioners shall give preference to the names in the order indicated by the numbers on the list.

History

History: 1953 Comp., § 3-4-32, enacted by Laws 1969, ch. 240, § 90; 1975, ch. 255, § 52; 1981, ch. 136, § 1; 1995, ch. 124, § 5.

Annotations

Cross references. — For voter defined, see 1-1-5 NMSA 1978.

For boards of registration, not more than two members to be of same party, see N.M. Const., art. VII, § 1.

The 1995 amendment, effective January 1, 1996, rewrote Subsection B which read: "Two of the three persons appointed to the board of registration shall be members of each of the major political parties respectively at the time of their appointment."

ANNOTATIONS

Am. Jur. 2d, A.L.R. and C.J.S. references. — 25 Am. Jur. 2d Elections §§ 183, 188.

29 C.J.S. Elections § 42.

1-4-35. Board of registration; secretary.Statute text

The county clerk or his authorized deputy shall be secretary to the board of registration and shall serve without additional compensation.

History

History: 1953 Comp., § 3-4-33, enacted by Laws 1969, ch. 240, § 91.

1-4-36. Board of registration; compensation.Statute text

Each member of the board of registration shall be paid per diem and mileage as provided in the Per Diem and Mileage Act [Chapter 10, Article 8 NMSA 1978] for nonsalaried public officers. Such compensation shall be included as an item in the regular county budget.

History

History: 1953 Comp., § 3-4-34, enacted by Laws 1969, ch. 240, § 92; 1973, ch. 4, § 2; 1975, ch. 255, § 53.

Annotations**ANNOTATIONS**

Am. Jur. 2d, A.L.R. and C.J.S. references. — 29 C.J.S. Elections § 44.

1-4-37. Board of registration; term; qualification.

Statute text

A. Members of the board of registration shall hold office until their successors are appointed and qualified.

B. Members of the board of registration shall qualify by taking and filing in the office of the county clerk the oath required of county officials.

History

History: 1953 Comp., § 3-4-35, enacted by Laws 1969, ch. 240, § 93.

Annotation

Cross references. — For county officers' oaths, see N.M. Const., art. XX, § 1 and 10-1-13 NMSA 1978.

ANNOTATIONS

One contemplating becoming candidate may serve on board. — Even though a justice of the peace (now magistrate) contemplates becoming a candidate in the ensuing election, he may serve as a member of the board of registration and he would not be disqualified from doing so. 1945-46 Op. Att'y Gen. No. 46-4849 (opinion rendered under former law).

Am. Jur. 2d, A.L.R. and C.J.S. references. — 25 Am. Jur. 2d Elections § 90.

29 C.J.S. Elections § 42.

1-4-38. Board of registration; place of meetings.

Statute text

The board of registration shall meet at the office of the county clerk.

History

History: 1953 Comp., § 3-4-36, enacted by Laws 1969, ch. 240, § 94; 1975, ch. 255, § 54.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2019 - _____

**A RESOLUTION APPOINTING THREE MEMBERS AND TWO ALTERNATES
TO THE BOARD OF REGISTRATION**

WHEREAS, the New Mexico Election Code (NMSA 1978, Sections 1-1-1 to 1-24-4) creates the position of Board of Registration consisting of three (3) voters in each county who shall serve for at least two (2) years in odd-numbered years commencing in February of a year; and

WHEREAS, the federal National Voter Registration Act of 1993 (“NVRA”) (52 U.S.C. Sections 20501 to 20511) was enacted in part to require states to permit eligible persons to register to vote in federal elections when applying for an initial or renewed driver’s license; and

WHEREAS, the NVRA was also enacted to enhance voter participation in elections, to increase the number of registered voters, to ensure that states maintained accurate voter rolls, and to protect the integrity of elections; and

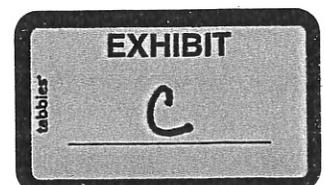
WHEREAS, the Election Code establishes the duties of a county’s Board of Registration, which include but are not limited to:

- a. reviewing the list of eligible voters following a general election in satisfaction of the NVRA;
- b. directing the county clerk, in satisfaction of the NVRA to cancel the registration of any voter who has been sent notice in conformance with Section 1-4-28(E) of the Election Code, where the voter has failed to respond to the notice and has not voted, or has confirmed a change of residence to a place outside of the county; and
- c. carrying out other list maintenance provisions of the NVRA and the Election Code; and

WHEREAS, the Election Code authorizes the county chairman of each qualified political party to furnish their respective board of county commissioners with a list of the names of four (4) voters in the county and indicate that chairman’s preference by placing the numbers 1 to 4 opposite the name of each person on the list; and

WHEREAS, Santa Fe County’s major political party chairs were notified and asked to submit names for consideration of appointment by the Board of County Commissioners (“BCC”) to serve on the Board of Registration; and

WHEREAS, the BCC shall appoint a three-member board of which no more than two members shall be of the same party, and shall also appoint two alternates who shall not belong to the same political party at the time of their appointment; and



WHEREAS, the Election Code requires the BCC to give preference to the names in the order indicated by the numbers on the list submitted by the party chair; and

WHEREAS, the Election Code requires a board of county commissioners to appoint three (3) voters to constitute its Board of Registration at the first regularly scheduled meeting in February of each odd-numbered year; and

WHEREAS, membership on the Board of Registration shall be for two years but members shall hold office until their successors are appointed and qualified; and

WHEREAS, members of the Board of Registration shall qualify by taking and filing in the Office of the County Clerk the oath required of county officials.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that:

1. Three (3) voters, of which no more than two members shall be of the same party, and two (2) alternates of different political parties, are hereby appointed to serve on the Board of Registration. The three appointees are:

a. _____ Party _____
b. _____ Party _____
c. _____ Party _____

The two alternate appointees are:

a. _____ Party _____
b. _____ Party _____

2. The three (3) voters appointed to the Board of Registration and two (2) alternates were selected in accordance with the preference indicated on the lists provided by political party chairs.
3. The members appointed to the Board of Registration shall carry out the duties required of them by the National Voter Registration Act and the Election Code.
4. The members appointed to the Board of Registration shall serve for two years, but each member shall hold their office until their successor is appointed and qualified.

PASSED, APPROVED, AND ADOPTED this 12th day of February, 2019.

Anna T. Hamilton, Chair

ATTEST:

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

R. Bruce Frederick, County Attorney

