

**THE BOARD OF COUNTY COMMISSIONERS OF
SANTA FE COUNTY**

RESOLUTION NO. 2023 - 019

**A RESOLUTION APPOINTING MEMBERS TO THE BOARD OF REGISTRATION TO
FILL TWO VACANCIES**

WHEREAS, the New Mexico Election Code (Chapter 1 NMSA 1978) creates the position of Board of Registration consisting of five (5) voters in each county who shall serve from July 1 of an odd-numbered year until June 30 of the next succeeding odd-numbered year. Members of the Board of Registration shall hold office until their successors are appointed and qualified; 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, on June 8, 2021, the Board of County Commissioners (“BCC”) adopted Resolution No. 2021-052, A Resolution Appointing Four Members to the Board of Registration; and

WHEREAS, at the time that Resolution No. 2021-052 was adopted, the only individuals who submitted their names as candidates for appointment to the Board of Registration were either registered Democrats or Republicans. Accordingly, only four members were appointed pursuant to the requirement that not more than two members of the board of registration shall be members of the same political party at the time of their appointment set forth in NMSA 978, Section 1-4-34(B); and

SFC CLERK RECORDED 02/23/2023

WHEREAS, Judith Nowers, Republican, who was appointed to the Board of Registration in Resolution No. 2021-052, has passed away, leaving an additional vacancy on the Board of Registration; and

WHEREAS, in the event that a position on the board of registration becomes vacant for any reasons described in Section 10-3-1 NMSA 1978, the Board of County Commissioners (“BCC”) shall appoint a replacement who shall qualify pursuant to Subsection B of NMSA 1978, Section 1-4-34;

WHEREAS, pursuant to NMSA 1978, Section 1-4-28, the Board of Registration is required to meet no later than the fifteenth of March following a General Election to review the list of eligible voters. The deadline for the Board of Registration to meet after the 2022 General Election is March 15, 2023; and

WHEREAS, the Santa Fe County Clerk’s Office has attempted to solicit interest for the two vacant positions. The County Clerk has put forth three qualified candidates for the two open positions for consideration of appointment by BCC to serve on the Board of Registration; 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. Two (2) voters are hereby appointed to fill the two existing vacancies on the Board of Registration. The two appointees are:

a.	<u>Zella Cox</u>	Party	<u>Republican</u>
b.	<u>Ranen Sheffer</u>	Party	<u>DTS</u>

2. The two 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.
3. The two members appointed to the Board of Registration shall serve from February 25, 2023 until June 30, 2023, but each member shall hold their office until their successors are appointed and qualified.
4. In the event that a position on the board of registration becomes vacant for any of the reasons described in Section 10-3-1 NMSA 1978, the board of county commissioners shall appoint a replacement who shall qualify pursuant to Section 1-4-34 (B) and serve until the expiration of the original term.

SFC CLERK RECORDED 02/23/2023

PASSED, APPROVED, AND ADOPTED THIS 14th DAY OF FEBRUARY, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Anna Hansen
Anna Hansen, Chair

ATTEST:

Katharine E. Clark
Katharine E. Clark
Santa Fe County Clerk

Date: 02/14/2023

Approved as to form:

Cristella Coley for
Jeff Young, Santa Fe County Attorney



SFC CLERK RECORDED 02/23/2023

SFC CLERK RECORDED 02/23/2023

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 16

I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of February, 2023 at 08:21:30 AM
And Was Duly Recorded as Instrument # 2007055
Of The Records Of Santa Fe County

Deputy Destiny Romero Witness My Hand And Seal Of Office
Katharine E. Clark
County Clerk, Santa Fe, NM

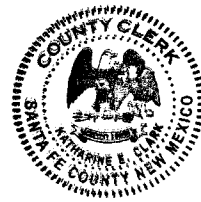


Exhibit A:

List of Qualified Candidates Interested in Appointment to the Board of Registration

Republican Party

1. Zella Cox
2. Gary Donato

Declined-To-State

1. Karen Sheffer

SFC CLERK RECORDED 02/23/2023

Exhibit B:

Letters of Interest from the Candidates.

SFC CLERK RECORDED 02/23/2023

19 January 2023

Katherine Clark
Santa Fe County Clerk
100 Catron St.
Santa Fe NM 87501

Subject: Letter of Interest Board of Registration

Reference (a) Election Handbook of the State of New Mexico 2021 Edition

In accordance with reference (a) and email request of Andrea Tapia to attend information meeting (1/24/2023) via WEBEX I am writing to request consideration as a board member of the Board of Registration.

In compliance with reference (a) section 1-4-34 (B) I am not a county employee, elected official or candidate for public office in the County of Santa Fe or in the State of New Mexico. Additionally, I have not changed party registration (Section 1-4-34-B (1)) since moving to Santa Fe and registering as a voter August 2021. Nor do I plan on changing party registration as per Section 104034-B (2) after the date of appointment – if appointed.

Prior to moving to Santa Fe, I volunteered as an election worker in nearly every town I've lived in during my 22 years in the military and 26 years as a political science professor in CT and MA.

Since moving to Santa Fe, I volunteered and was appointed to the Santa Fe Independent Citizen's Redistricting Commission as well as an Election Judge and Presiding Judge for the 2022 Primary and the 2022 General Election. During the early voting period the County Clerk's office assigned me to Espanola for both the primary and general election period. During the actual voting day, the County Clerk's office assigned me as an Election Judge to Pojoaque Middle School for the primary and as a Presiding Judge again to Pojoaque Middle School for General Election day.

I've always felt it a duty and a responsibility to engage in the political process focusing on increasing awareness, election integrity, and fostering an atmosphere of welcomeness for the voters. For these reasons I request consideration as an appointee to the Board of Registration.

Respectfully,



Gary Donato, Ph.D., LT, USN (retired).

SFC CLERK RECORDED 02/23/2023

12 Sierra Lavanda
Santa Fe, NM 87507

January 23, 2023

Katharine E. Clark, Santa Fe County Clerk
Office of the Santa Fe County Clerk
100 Catron Street
Santa Fe, NM 87501

RE: Interest in serving on the Board of Registration

Dear County Clerk Clark:

Please accept this letter as my request to be considered for appointment to the Board of Registration for Santa Fe County. I have been a resident of Santa Fe County since 1996 and in that time frame have had the opportunity to volunteer for the Bureau of Elections on multiple occasions. Most recently, I served as an Election Judge in the general election in November 2022.

Since moving to New Mexico, I have worked with the Supreme Court of New Mexico, Administrative Office of the Courts as an Information Systems Manager responsible for developing and implementing a program to automate all municipal courts to facilitate compliance with a state statute to report electronically dispositions of cases involving DWI and/or Domestic Violence. In 2014, I was appointed by the Governor to the General Services Department as Chief Financial Officer and served until my retirement in 2018.

My educational background and experience are in English/Classics, computer science, law, management, and finance. I have also been involved with a number of not-for-profit organizations as a volunteer and currently serve as Secretary of the Board of the Cancer Foundation for New Mexico, Treasurer of the Board of Global Santa Fe, and Co-Treasurer of the Board of the Friends of the Santa Fe Public Library.

Thank you for your consideration of my appointment to the Board of Registration. I am qualified, interested and will look forward to hearing from you.

Sincerely,

Zella Kay Cox

SFC CLERK RECORDED 02/23/2023

January 23, 2023

Karen Sheffer
6911 Golden Mesa
Santa Fe, NM 87507

Dear Santa Fe County Commissioners,

I would like to express interest in filling the position on the Santa Fe County Board of Registration and I look forward to learning more about what it entails. I grew up seeing my mom work at the elections and have enjoyed continuing that tradition throughout my years living in Santa Fe as I have worked in various positions as an election worker. This seems like another great opportunity to be involved in the election process. I am registered as Independent/DTS. Thank you for your consideration.

Sincerely yours,

Karen Sheffer

SFC CLERK RECORDED 02/23/2023

Exhibit C:

State Statutes Concerning Board of Registration.

SFC CLERK RECORDED 02/23/2023

NMSA 1978 Section 1-4-24 - Cancellation of registration; county clerk; grounds

The county clerk shall cancel certificates of registration for the following reasons:

- A. death of the voter;
- B. a felony conviction of the voter;
- C. at the request of the voter; or
- D. at the direction of the board of registration.

Section 1-4-28 - Cancellation of registration; change of residence; notice

A. The secretary of state, county clerks and boards of registration, in compliance with the federal National Voter Registration Act of 1993, shall remove from the official list of eligible voters the names of voters who are ineligible to vote due to change of residence.

B. The secretary of state shall conduct a general program that identifies voters who may no longer reside at their address of registration. This program shall use information supplied by the United States postal service national change of address service. This program may also include, among other practices, identification of voters whose official election-related mail is returned and periodic mailings to voters to verify continued residency at their address of registration, provided such practices are uniform, nondiscriminatory and in compliance with the federal Voting Rights Act of 1965.

C. Between ninety and one hundred twenty days before the next general election, the secretary of state shall send to each voter who it appears has changed address from the voter's precinct of registration a notice, sent by forwardable mail, that shall include a postage prepaid and pre-addressed return card. The notice shall state that:

- (1) if the voter did not change residency, the voter should return the card no later than twenty-eight days before the next general election;
- (2) if the voter does not return the card, the voter may be provided an opportunity to update the voter's registration address before the voter casts a ballot in any election during the period beginning on the date of the notice and ending on the day after the second general election that occurs after the date of the notice;
- (3) if the voter does not vote in any election during the period beginning on the date of that notice and ending on the day after the second general election that occurs after the date of the notice, the voter's registration may be canceled; and
- (4) if the voter has changed residence within the same county, the voter should complete the place on the return card for the voter to indicate the address of the new residence and a request to have the voter's registration moved to that address in the same county.

D. If the voter returned the card indicating a new address and the address is:

(1) in the same county, the county clerk shall correct the official list of eligible voters in accordance with the change of residence information obtained on the return card; or

(2) in another county, the county clerk shall forward the return card to the appropriate county clerk, who shall process the change of residence as a new registration in the county.

E. No later than the fifteenth day of March following a general election, the board of registration shall review the list of eligible voters. The board of registration shall direct the county clerk to cancel the registration of any voter who has been sent notice in conformance with this section and who:

(1) has failed to respond to the notice sent in conformance with this section and has not voted or appeared to vote in any election during the period beginning on the date of the notice and ending on the day after the second general election that occurs after the date of the notice; or

(2) has confirmed in writing that the voter has changed residence to a place outside the state.

Section 1-4-29 - Board of registration; county clerk; failure to cancel; duty of the secretary of state

A. If the board of registration or the county clerk of any county does not cancel registration certificates as required by law, the secretary of state shall investigate the registration records, election returns and other pertinent records of that county and file a petition with the district court for the cancellation of the certificates of those persons as the investigation determines should have been canceled by the board of registration or the county clerk.

B. In such a proceeding, the court shall determine the cost of the investigation, and if it finds that the board of registration or the county clerk did not cancel certificates of registration in the manner provided by law, shall enter judgment against the county for the cost of the investigation.

Section 1-4-32 - Cancellation of registration; duties of county clerk; retention of records

A. When a registration is canceled, the county clerk shall remove, endorse and file the original certificate of registration according to procedures prescribed by the secretary of state.

B. Canceled original certificates of registration along with any written application of the voter for cancellation or other pertinent orders or certificates shall be retained for six years and then may be destroyed; provided that such records may be destroyed prior to the expiration of the six-year period with the approval of the state records administrator and upon their being properly microfilmed and stored.

Section 1-4-34 - Board of registration; board of county commissioners; appointment

A. The board of county commissioners shall, at its first regular scheduled meeting in June of each odd-numbered year, appoint five voters who shall constitute the board of registration for the county; provided that a class B county as defined in Section 4-44-1 NMSA 1978 shall appoint three voters who shall constitute the board of registration for the county.

B. Members of the board of registration shall not during their service be county employees, elected officials or candidates for public office, and not more than two members of the board of registration shall be members of the same political party at the time of their appointment; provided that:

(1) a member of the board of registration shall not have changed party registration in the two years next preceding the member's appointment in such a manner that the member's prior party registration would make the member ineligible to serve on the board of registration; and

(2) a member of the board of registration shall not continue to serve on the board of registration if the member changes party registration after the date of appointment in such a manner to make the member ineligible to serve on the board of registration.

C. In the event that a position on the board of registration becomes vacant for any of the reasons described in Section 10-3-1 NMSA 1978, the board of county commissioners shall appoint a replacement who shall qualify pursuant to Subsection B of this section and serve until the expiration of the original term.

Section 1-4-35 - Board of registration; secretary

The county clerk or the county clerk's authorized deputy shall be secretary to the board of registration

Section 1-4-36 - Board of registration; compensation

Each member of the board of registration shall be paid per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978] for non-salaried public officers. Such compensation shall be included as an item in the regular county budget.

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

A. The term of office of members of the board of registration is from July 1 of an odd-numbered year until June 30 of the next succeeding odd-numbered year. 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.

Section 1-4-38 - Board of registration; meetings

A. All meetings of the board of registration shall be open meetings held in accordance with the Open Meetings Act [Chapter 10, Article 15 NMSA 1978].

B. All reports and other records of the board of registration shall be open to public inspection pursuant to the Inspection of Public Records Act [Chapter 14, Article 2 NMSA 1978].

C. A person's month and day of birth, and any part of a person's driver's license number or other identifier assigned by the motor vehicle division of the taxation and revenue department, state or federal tax identification number or social security number shall not be disclosed in any meeting or in any record of the board of registration made available to the public. This subsection does not preclude disclosure of a person's unique identifier as defined in Section 1-1-23 NMSA 1978.

D. Members of the board of registration are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978], to be paid out of the election funds appropriated to the county clerk from the county general fund.

Section 1-4-46 - Clerical assistance for county clerk

The board of county commissioners shall provide for necessary clerical assistance to the county clerk to perform work pertaining to registration. Such clerical assistance shall be paid for by order of the board of county commissioners. Such expenditure shall be included as an item in the regular county budget.

New Mexico Administrative Code Section 1.10.35.9 - FILE MAINTENANCE

List maintenance activities shall be conducted in a non-discriminatory manner and in no instance shall select groups of voters be targeted for cancellation or removal from the voter file.

A. Confirmation mailings for voters designated as NVRA under 1-4-28 NMSA 1978 (change of address).

(1) The SOS shall contract with a postal service approved vendor of the national change of address program (NCOA) pursuant to Section 1-4-28 NMSA 1978. The entire statewide voter file shall be compared to the NCOA listings for the confirmation mailing.

(2) The SOS shall also create a file of all active voters designated NVRA on the statewide voter file due to an initial undeliverable mailing returned to the county clerk or SOS and so designated by the county clerk in the county voter file.

(3) All active voters appearing in either the NCOA or the NVRA files shall be marked with a status of "inactive" and a status reason of "confirmation mailing" and mailed a confirmation card to the voter's mailing address by the SOS.

(4) The SOS shall deliver returned and address corrected confirmation cards to the county clerk and the county clerk shall enter the corrected address into the voter file, scan the confirmation card and attach the scanned image to the voter's record in the voter file. The physical confirmation card shall be attached to the voter's certificate of registration to be filed in the county register.

(5) The SOS shall return to the county clerk any confirmation card with an address indicating that the voter has moved to another state or county. If the voter has moved to another county, the county clerk shall forward a photocopy or scanned image of the confirmation card to the county clerk of that county and the voter shall be mailed a new certificate of registration by the county clerk of the county where the voter now resides.

(6) The SOS shall return to the county clerk any confirmation card that indicates the voter has moved to another state or country. The county clerk shall mark the record with a status of "removable" and a status reason of "moved outside of county/city," remove the certificate of registration from the county register with the confirmation card attached, and retain it for six years. The county clerk shall also scan the card and attached it to the electronic voter record.

(7) The SOS shall return to the county clerk any confirmation card that is returned as undeliverable. The county clerk shall log the mail as undeliverable in the electronic voter record and attach the confirmation card to the certificate of registration in the county register. The county clerk shall also scan the card and attached it to the electronic voter record.

(8) A voter is eligible for removal from the voter file if the voter has not been returned to active status, corrected the voter's address on the certificate of registration and not appeared to vote during a period beginning on the date of the confirmation mailing and ending on the day after the date of the second general election that occurs after the date of the confirmation mailing.

(9) Cancellation of voter registration shall be by the board of registration and subject to the provisions of the Election Code. Upon cancellation, the county clerk shall remove the certificate of registration from the county register and retain it for six years.

B. Street file maintenance: The county clerk shall establish a street file of standard 911 residential addresses within the voter file to determine a registrant's physical address and shall attempt to correct all non-standard addresses, if any.

C. Precinct assignments: The county clerk shall ensure that all political subdivision changes due to reapportionment, redistricting or annexations are entered into the voter file and voters are assigned to correct voting districts, precincts or precinct parts, if any. The county clerk shall also conduct an audit in every odd numbered year to ensure that all precinct assignments are correct and shall ensure all discrepancies that are discovered in the audit are corrected as soon as possible and at least by the end of the odd numbered year.

D. Felony convictions and satisfactions.

(1) The SOS, via the voter records system, shall enter, as the method of forwarding to county clerks, information on state and federal felony convictions into the statewide voter file upon receipt from the administrative office of the courts, the department of corrections, the department of justice, or other legally recognized source. Within five business days of receiving information from the voter records system, the county clerk shall check to see if there is a strong or weak match with a voter in the voter file. If there is a strong match, the county clerk shall remove the voter's voter registration certificate from the county register and mark the record in the electronic voter file system with a status code of "not eligible" and a status reason of "felony conviction." If there is a weak match, the county clerk shall conduct a further investigation to determine if there is actually a match between the felon record and the voter in the voter file. The county clerk may contact the appropriate agency to resolve weak matches of data. The county clerk may contact the SOS to request assistance in resolving weak matches of data in the felon records.

(2) Upon determining a positive match due to felony conviction, the county clerk shall send a notice to the cancelled registrant explaining that the person's registration has been cancelled due to a positive match with a felony conviction with information on how they can reinstate their registrant status if the person believes the cancellation has occurred in error, within five business days, but as soon as is practicable.

(3) When the SOS receives notice of satisfaction of felony conditions for a voter, the SOS shall enter the voter's restoration of eligibility into the voter records system. The SOS shall send regular notices of restoration to each county clerk via mail or secure electronic transport.

(4) Upon satisfaction of felony conditions, the qualified elector must re-register by providing a new voter registration form. The county clerk shall consider receipt of acceptable documentation from the voter of satisfaction of conditions or restoration of eligibility in the voter records system as satisfactory proof of

eligibility to register. The county clerk may consider additional evidence of satisfaction for restoration of eligibility and may contact the SOS for further investigation. Upon re-registering, the voter's record shall be changed to active status.

E. Deceased voters.

(1) The SOS, via the voter records system, shall enter, as the method of forwarding to county clerks, the list of deceased voters received from the DOH into the statewide voter registration system. Within five business days of receiving information in the voter records system, the county clerk shall determine if there is a strong or weak match with a voter in the voter file. If there is a strong match, the county clerk shall mark the record in the statewide voter registration system with a status code of "removable" and a status reason of "deceased." If there is a weak match, the county clerk shall conduct a further investigation to determine if there is actually a match between the death record and the voter in the voter file and may contact appropriate agencies in an attempt to resolve weak matches of data. The county clerk may contact the SOS to request assistance in resolving weak matches of data in the death records.

(2) The county clerk may also utilize information provided in the obituaries in the local newspaper of record, online sites containing such records, or signed and notarized statements from family members to positively confirm deceased status. The county clerk may also use probate information, death certificates, or information pursuant to Subsection F of Section 1-4-25 NMSA 1978, to determine strong or weak matches with a voter in the voter file. If there is a strong match, the county clerk shall mark the record in the statewide voter registration system with a status code of "removable" and a status reason of "deceased." If there is a weak match, the county clerk shall conduct a further investigation to determine if there is actually a match between the death record and the voter in the voter file and may contact appropriate agencies in an attempt to resolve weak matches of data. The county clerk may contact the SOS to request assistance in resolving weak matches of data in the death records.

(3) Upon designating a voter as cancelled in the voter file, the county clerk shall remove the voter's certificate of registration from the county register and retain it for six years.

F. Native American deceased processing: For counties that include tribal or pueblo land and precincts, that county's Native American coordinator shall coordinate with the tribe or pueblo officials at least three times per year to identify deceased voters on the rolls as follows:

(1) The county Native American coordinator shall request a notarized list of deceased residents since the last time period requested, that includes full name, DOB, gender, address, SSN, and place and date of death from the tribe or pueblo. Pursuant to Subsection F of Section 1-4-25 NMSA 1978, the notarized list must be provided by the president or governor of an Indian nation, tribe or pueblo, or from a tribal enrollment clerk.

(2) Upon receipt of the notarized listing, the county shall determine if there is a strong or weak match with a voter in the voter file. If there is a strong match, the county clerk shall mark the record in the statewide voter registration system with a status code of "removable" and a status reason of "deceased." If there is a weak match, the county clerk shall conduct a further investigation to determine if there is actually a match between the death record and the voter in the voter file. In the case of a weak match, the county clerk may send a letter to the residence address or relative requesting

confirmation of the death. The relative will be asked to provide a signed statement from a family member indicating that the voter in question is deceased. If no response or no supporting documentation is provided, the voter's record is left unaltered and will remain on the voter registration rolls. The record will be subject to the normal NVRA purge process.

G. Other state notifications: Upon receiving notification by another state of a voter registering to vote in that state, the county clerk shall cancel that voter's registration and designate as "removable" and status reason to "moved outside of county/city."

SFC CLERK RECORDED 02/23/2023