



Santa Fe County Clerk's Office
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Prohibited Activities and Individuals at the Polling Place and Ballot Drop Box Locations

Anyone who intentionally refuses to permit a person to vote who is entitled to under law commits a crime under the Federal Voting Rights Act of 1965 and the New Mexico Election Code. Some specific activities are prohibited under federal and state law and are summarized in the following sections.

- Unauthorized Individuals ○ The PJ is the first line of defense in asking unauthorized individuals at a polling location to leave immediately. If an individual is resistant to following instructions or to leaving, the PJ has been instructed to contact law enforcement and the county clerk. ○ Only authorized challengers, watchers, and observers are permitted inside a polling location. Self-appointed watchers, such as private citizens, individuals purportedly appointed by organizations or private militia type groups, are not allowed to linger in the polling location and can easily present a disruption. ○ Additionally, authorized challengers, watchers, or observers may not directly confront voters. They also may not use raised voices or insulting, offensive, or threatening language. No one may interfere with the duties of the election board members. ○ Persons not authorized to be in the polling place or willfully blocking the entrance of a polling place may be guilty of obstructing the polling place.
- Voter Intimidation ○ Voter intimidation is a crime under federal and state laws. Under the New Mexico Election Code, intimidation consists of “inducing or attempting to induce fear in any member of an election board, voter, challenger, or watcher by use of or threatened force, violence, infliction of damage...for the purpose of impeding or preventing the free

exercise of the elective franchise or the impartial administration of the election.”

- Some examples of voter intimidation may include:
 - Violent behavior inside or outside the polling site
 - Verbal threats of violence
 - Confronting voters while wearing military-style or official-looking uniforms
 - Spreading false information about voter fraud, voting requirements, or related criminal penalties
 - Brandishing firearms or the intimidating display of firearms
 - Aggressively approaching voters’ vehicles or writing down voters’ license plate numbers
 - Disrupting voting lines or blocking the entrance to the polling place
 - Harassing voters, aggressively questioning them about their qualifications to vote
 - Following voters to, from, or within the polling place
- Firearms in Polling Places ○ New Mexico has no ban on guns at polling places. However, in New Mexico brandishing or using a firearm in a threatening or intimidating manner could be considered voter intimidation. Certain locations designated as polling places may have separate statutory limitations on carrying firearms, e.g. schools.
- Electioneering
 - Electioneering includes the display or distribution of signs or campaign literature, campaign buttons, t-shirts, hats, pins or other such items and includes the verbal or electronic solicitation of votes for a candidate or question.
 - The New Mexico Election Code prohibits electioneering within 100 feet of a polling location or secured, monitored ballot drop box.
- Coercion & Bribes ○ It is against state law to offer a bribe or accept a bribe related to voting for or refraining to vote for or against any candidate or ballot question.