

VOTER PROTECTION 2006 POLL WATCHERS

QUALIFICATIONS¹

- **Two watchers per precinct per political party --appointed in writing (usually by county chair)**
- **One watcher per polling place per candidate or organization involved in voter turnout activities (upon written request of Secretary of State at least 10 days prior to the general election)**
- **Registered voter of any precinct in the county**
- **No law enforcement, candidates (or spouses/children)**

RIGHTS / PERMITTED ACTIVITIES²

- **Be present at polls from time the poll workers arrive (6:00a.m.) until all counting and tallying of ballots is completed and the polling place closes (after 7:00 p.m.)**
- **See that the voting machine is ready for voting when the polls open and confirm that the voting machine printout shows "0" votes.³**
- **Inspect the ballot for accuracy to ensure the correct candidates are listed for the correct races.**
- **Be permitted to observe that the election is being conducted in accordance with the Election Code**
Specifically inspect the pollbooks, register book or signature rosters to determine whether entries are being made in accordance with the Election Code. [*very important function!*]
- **Inspect the precinct voter list to ascertain whether a voter has voted**
- **Make and preserve written memos of any act or omission on the part of any member of the precinct board (Presiding Judge; Judge; Clerk) [*Cell phone calls should be made in a manner which does not in any way disrupt the polls.*]**

¹ New Mexico Statutes Annotated (1978)/ Election Handbook of the State of New Mexico (2005 Ed.) §§ 1-2-21, 1-2-22, 1-2-27 and 1-2-28. Every effort has been made to ensure that this informal guide follows the law, current as of August 2006. In the event of conflict, follow the law.

² Section 1-2-29.

³ This item and the following are not covered in the Election Code which was written for electronic voting machines. Wording provided by Doña Ana County Elections Supervisor Lynn Ellins on 23 Aug 06.

DUTIES⁴

- Present written appointment as Democratic Watcher, wather for a candidate for elected office or voter turnout organization watcher to the Presiding Judge at the polling place
- Wear identification badges at all times in the polling place (To be provided by the Presiding Judge at the polling place)⁵
- Not wear any other form of identification, party or candidate pins
- Not perform any duty of any precinct board member
- Not *handle* ballots, pollbooks, signature rosters or voting machines [INSPECT (*Look*), *as permitted under rights/permitted above, but don't touch!*]
- Not take any part in the tallying or counting of the ballots
- Not be in the room where the voting is actually taking place while another Democratic Watcher is present (being with poll *challengers* and candidate and organization watchers is ok)⁶
- Not interfere with “the orderly conduct of the election”

PENALTIES⁷

Because the Presiding Judge is charged with the authority and responsibility to preserve order in the polling place,⁸ he/she arguably can exclude anyone disrupting the election process. However, exclusion or the threat of it can NOT be used to deny a watcher his/her rights permitted duties under the law:

“The act of denying a watcher, who has presented his written appointment to the precinct board, the right to be present at the polling place, or denying him the right to witness the counting and tallying of ballots is a petty misdemeanor.”

[REPORT ANY SUCH CONFLICTS IMMEDIATELY!]

Date:

Time:

Precinct:

Polling location:

⁴ Sections 1-2-24, 1-2-25, and 1-2-29.

⁵ This is not explicitly stated in the Election Code. However, section 1-2-28 states: “ Watchers shall have the same qualifications and restrictions as required by the Election Code . . . for challengers.” Section 1-2-24 requires challengers to wear identification badges provided by the presiding judge and no other form of party identification or candidate pins.

⁶ Not entirely clear from section 1-2-29.B whether the limitation on one challenger/alternate per political party at a time contained in section 1-2-25B. applies.

⁷ Section 1-2-30

⁸ Section 1-12-4

Presiding Judge:

Other Judges/witnesses:

SPECIFIC PROBLEM (AND ACTIONS TAKEN):

QUESTIONS?? PROBLEMS??

CALL: Doña Ana County Clerk, Bureau of Elections

AT: (505) _To Be Determined_____

THEN CALL: Democratic Party DAC Voter Protection

AT: (505) __TBD_____