

Checks and Balances in New Mexico: The Post-Election Day Process

American elections are run by local and state officials alongside tens of thousands of our friends and neighbors from both political parties. These bipartisan teams count, canvass, and audit every ballot — whether in person or by mail — verifying identities, inspecting ballots, and ensuring each is counted as intended. This rigorous process leads to the final step: certification. This is the straightforward phase of the process, in which election officials declare the winners.

This memo outlines the checks and balances in New Mexico that ensure all state and local rules are followed. Importantly, this is nonpartisan educational research intended for 501(c)(3)-compliant purposes only. It is not to be used for any partisan, political, or electioneering activities by any organization.

Counting: Technology and Bipartisan Oversight Work to Triple-Check Results for Accuracy

New Mexico law mandates specific processes for counting ballots using optical scanning equipment. The county clerk and a bipartisan election board generally oversee the counting process.

Quality-Tested Technology Leads to Trustworthy Results

Election workers use optical scanning equipment to count ballots at polling sites. All voting systems must undergo testing, evaluation, and formal certification by the secretary of state before use in any election.¹ Under New Mexico law, the equipment must be tested to ensure its reliability through Logic & Accuracy (L&A) testing.² For this process, officials run a specific pattern of test ballots through the machines to ensure accurate counting.³ The

¹ N.M. Stat. Ann. § 1-9-14

² N.M. Stat. Ann. § 1-11-6

³ N.M. Stat. Ann. § 1-11-6

paperwork from L&A testing serves as official proof that the election system is programmed correctly and that all equipment is fully functional.⁴

Transparent, Bipartisan Processes Instill Confidence

In New Mexico, the election board members are appointed by the county clerk to serve.⁵ The county clerk must ensure that no political party has a majority of more than one member on the local precinct board.⁶ State law permits major political parties and candidates to appoint official challengers and county canvass observers to view Election Day and absentee ballot processing and tabulation. They may also observe the state canvass.⁷

Voters at polling sites mark their paper ballot with their choice of candidate and insert their ballot into the voting machine.⁸ Officials at each polling location begin tabulating votes at the close of polls and after the last voter has submitted their ballot.⁹ Once tabulation is complete, officials must complete multiple record-keeping documents, including the county canvass report.¹⁰

Canvassing: Election Officials Securely Check Results

Canvassing is the process of compiling vote totals reported in returns from throughout a jurisdiction. In New Mexico, canvassing occurs at the local and state level.

Local Canvass: Multi-tier process

The precinct board is the first tier for canvassing.¹¹ To ensure the security of the process, only officers of election can take part in vote tabulation, while observers, challengers, political party representatives, and candidate representatives may observe the process.¹² All election materials, such as machine returns, are organized, sealed, and promptly sent to the county clerk and county canvassing board for review and certification. The county clerk and county canvassing board review the documents for errors before promptly sending information to the secretary of state.¹³

Audits Give a Final Check Before State Certification

⁴ Id.

⁵ N.M. Stat. Ann. § 1-2-6

⁶ N.M. Stat. Ann. § 1-2-12

⁷ N.M. Stat. Ann. § 1-2-32

⁸ N.M. Stat. Ann. § 1-12-57

⁹ N.M. Stat. Ann. § 1-12-26

¹⁰ N.M. Stat. Ann. § 1-13-1

¹¹ N.M. Stat. Ann. § 1-12-29

¹² Id.

¹³ N.M. Stat. Ann. § 1-13-1

New Mexico law requires an audit of the election to be performed for statewide seats and U.S. House of Representatives seats.¹⁴ The secretary of state is required to choose a third-party auditor to oversee the process while the county clerk and local election officials perform the audit.¹⁵ While the audit is being conducted in each county, the auditor chooses one precinct to conduct a manual recount of ballots.¹⁶

State Canvass: The State Canvassing Board Signs Off

The state canvassing board is responsible for certifying results of the state canvass.¹⁷ After receiving the certified county reports from the local canvassing board, the state canvassing board reviews the reports and declares the winner.¹⁸

Certification: The Voters Have Spoken

Each local county clerk transmits forms certifying the canvass report to the state canvassing board. After certifying returns and winners, the secretary of state promptly issues a certificate of election to the winners.¹⁹

Secure Democracy Foundation is a nonpartisan, 501(c)(3) nonprofit organization building stronger elections, state by state. Our work is state-focused, informed by election policy insights from a national perspective, and realized by seizing common ground.

¹⁴ N.M. Stat. Ann. § 1-14-13.2

¹⁵ Id.

¹⁶ Id.

¹⁷ N.M. Stat. Ann. §§ 1-13-15, 1-13-16

¹⁸ Id.

¹⁹ Id.