

**SANTA FE COUNTY**

**CANVASSING BOARD MEETING**

**November 7 & 14, 2014**

Danny Mayfield, Chair - District 1  
Robert Anaya, Vice Chair - District 3  
Miguel Chavez - District 2  
Kathy Holian - District 4  
Liz Stefanics - District 5



COUNTY OF SANTA FE            )  
STATE OF NEW MEXICO        ) ss

CANVASS BOARD MINUTES  
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Geraldine Salazar  
County Clerk, Santa Fe, NM

**SANTA FE COUNTY**

**CANVASSING BOARD MEETING**

**November 7, 2014**

This special meeting of the Santa Fe Board of County Commissioners serving as the County Canvassing Board was called to order at approximately 2:15 p.m. by Vice Chair Robert Anaya in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Danny Mayfield, Chair [telephonically]  
Commissioner Robert Anaya  
Commissioner, Kathy Holian  
Commissioner Miguel Chavez

**Members Excused:**

Commissioner Liz Stefanics

**3. Motion to Convene as County Canvassing Board, Pursuant to Section 1-13-1 NMSA 1978**

COMMISSIONER CHAVEZ: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Chavez.

COMMISSIONER CHAVEZ: I'd like to make a motion to convene as Santa Fe County Canvassing Board, pursuant to Section 1-13-1 NMSA 1978.

COMMISSIONER HOLIAN: Second.

COMMISSIONER ANAYA: There's a motion by Commissioner Chavez, second by Commissioner Holian. Mr. Chair, did you say something?

CHAIR MAYFIELD: I just seconded also, Mr. Chair.

COMMISSIONER ANAYA: Okay. Seconded also by Commissioner Mayfield.

**The motion passed by unanimous [4-0] voice vote.**

**4. Open Canvass of November 4, 2014, General Election, Pursuant to Section 1-13-3 NMSA 1978**

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we open the canvass of November 4, 2014 General Election, pursuant to Section 1-13-3 NMSA 1978.

COMMISSIONER ANAYA: There's a motion to open the canvass of November

4, 2014 General Election, pursuant to Section 1-13-3 NMSA 1978. Is there a second?

CHAIR MAYFIELD: Second, Mr. Chair.

COMMISSIONER ANAYA: Second by Commissioner Mayfield.

**The motion passed by unanimous [4-0] voice vote.**

**5. Motion Directing County Clerk to Prepare Canvass**

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I move that we direct the County Clerk to prepare the canvass.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: There's a motion from Commissioner Holian, second from Commissioner Chavez to prepare the canvass. Is there any discussion?

COMMISSIONER HOLIAN: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Holian.

COMMISSIONER HOLIAN: I have a question for our legal staff. We have had a request from Richard Ellenberg, who is the chair of the Democratic Party of Santa Fe. He is interested at looking at certain data from the last election that exists to make sure that the new machines that tabulate votes are performing as they are supposed to and so I would like to ensure that he gets the data that he needs. Do I need to make a motion for that?

COMMISSIONER ANAYA: Commissioner Holian, if we could, Ms. Brown, if we could go ahead to prepare the canvass and move forward on that then I'm going to make a comment relative to process. Ms. Brown?

RACHEL BROWN (Deputy County Attorney): Mr. Chair and Commissioners, what I would encourage you to do is in making your motion include any direction related to the statutory process for the request.

COMMISSIONER ANAYA: So Commissioners and Commissioner Holian who made the motion, it's my understanding, and I'm going to read it directly into the record, that pursuant to New Mexico Statutes annotated 1978 1-13-9, and I'm going to go ahead and read that in. 1-13-9, Post-Election Duties: county canvass and voting machine recheck, subsection A says, During the official canvass of an election the county canvassing board, upon written request of any candidate in the election or upon receipt of a written petition of twenty-five voters of the county, shall make in the presence of the district judge a recheck and comparison of the results shown on the official returns being canvassed with the results appearing and registered on the counter dials of each voting machine used in the election.

So just to summarize, a request can be made during this canvassing process but it has to come from a candidate in writing or from 25 individuals in the county. The other section that I would read is Section 1-13-10, and it's Post-election duties; voting machine recheck; and cost. It says in subsection A Before any recheck and comparison of returns and voting machines is made pursuant to Section 1-13-10 NMSA 1978, the candidate making the request, or the petitioners, shall deposit a sum of money or a surety bond made in favor of the county to defray the cost of the recheck. The deposit or the surety bond shall be in the amount of ten dollars for each

machine to be rechecked.

Subsection B: If the recheck alters the winner of the election, the deposit or surety bond shall be returned and the cost of the recheck shall be paid by the County. If the recheck does not alter the winner of the election, the deposit or surety bond shall be forfeited and the money from the deposit or bond shall be placed in the County general fund.

So this is my understanding of the subsection would have to be engaged by either a candidate or 25 individuals in the county, and that is allowable during the canvassing process and there would requests made, it is my understanding to the County and to the County Clerk. Is that correct, Ms. Brown?

MS. BROWN: Mr. Chair, Commissioners, that is correct.

COMMISSIONER ANAYA: So that being said I think we've said on the record what the process is and that the motion in place is probably fine, directing the County Clerk to prepare the canvass. Would you agree with that, Ms. Brown.

MS. BROWN: Mr. Chair, I do concur with that.

COMMISSIONER ANAYA: Excellent. So there's a motion from Commissioner Holian, a second from Commissioner Chavez. Any further discussion? Commissioner and Chairman Mayfield?

CHAIR MAYFIELD: Chairman Anaya, just a general question if you can answer it or Ms. Brown can, what's in question on the request?

COMMISSIONER ANAYA: As I understanding, Mr. Chair, there are several precincts that appear to have inconsistencies as to the tally, is the best way I would summarize that. Is it okay if Mr. Ellenberg provides any further with that or do you think that's appropriate, Ms. Brown?

MS. BROWN: Mr. Chair, it's within the chair's discretion as to whether to take public comment on it.

COMMISSIONER ANAYA: Mr. Chair, would you like to hear from Mr. Ellenberg's perspective on the request that he may make or someone else may make?

CHAIR MAYFIELD: Mr. Chair, I'll defer that to you. I have no problem. I'd just like to know if our County Clerk, Ms. Salazar, has any concerns with it.

COMMISSIONER ANAYA: Our Clerk is here. I'll go to the Clerk first and then I'll allow Mr. Ellenberg an opportunity to make comment. Madam Clerk.

CLERK SALAZAR: It's not based on my concerns. But this appeal would be based on issues that we have addressed throughout the election. We also have an interest in seeing, establishing a good record on the election process. So the Commission opening this up and allowing any candidate or 25 voters to request for a process where we will in detail will check what has occurred in the election process in specific precincts or machines, we will comply.

CHAIR MAYFIELD: Let me ask a question of Clerk Salazar, chairman, please. Clerk Salazar, you automatically do some spot-checking on your own, don't you?

CLERK SALAZAR: Absolutely. We do the - this is the canvassing process. We'll be looking at everything that was turned over to us, all of the tapes, all of the provisional ballots, all of the [inaudible] tallies, and if there's further information that we need to request we will request it.

CHAIR MAYFIELD: So you're already going to go through this process that's

been requested of us?

CLERK SALAZAR: Excuse me. I couldn't hear.

CHAIR MAYFIELD: Clerk Salazar, so you will already go through an exercise that has been requested of us? A similar exercise?

CLERK SALAZAR: Have we gone through a similar exercise? What's been requested?

CHAIR MAYFIELD: That's been requested, yes.

CLERK SALAZAR: Well, historically, I believe we haven't been asked, at a BCC, the Board, the Canvassing Board will be a verbatim, will follow verbatim what has been requested out of statute exactly what we need to do. But the process is for us to look at any discrepancies, to count, to ensure that the election maintains integrity throughout the whole process.

CHAIR MAYFIELD: So I'm hearing you're doing that. Okay. Thank you. [inaudible], Mr. Chair.

COMMISSIONER ANAYA: No problem, Mr. Chair. And before I go to Mr. Ellenberg I would say that what I just read is allowable by any candidate and any group of individuals of 25 people. So anybody can make that request and then the Clerk has stated she would uphold those responsibilities and further look into those issues of they follow this request. Mr. Ellenberg.

RICHARD ELLENBERG: Thank you, Commissioner Anaya. Richard Ellenberg. During the election we became very concerned with the accuracy of voting machines. We know a number of issues have occurred around this state, specifically, on a number of occasions the memory cards were misprogrammed and shut down the machines. We know in Santa Fe County at least the machines were supposed to initially read them, could not read them because of how they were folded when they were mailed in. The Clerk came up with a different machine that could read them, and I do want to say I want to commend the Clerk's job throughout this.

This is the most difficult election I've seen in 12 years in terms of the functioning of the machines and the difficulty and burden put on staff and they have worked tirelessly and successfully.

Another problem that occurred during election day throughout the state was that when ballots got torn off the stack the perforations often jammed the machines. On top of that we know Bernalillo County, when they were doing a test of one of the – on the absentee ballot machine, they realized the machine was not reading all of the votes on the ballot. So all of these lead a great deal of concern with the integrity of the machines, the optical readers on the machines and the election.

These machines are built so they create a digital image of the ballot and of how the machine reads the ballot and what our initial request was was to simply get a thumb drive of some of the precincts so that we could look at it and see if there was a concern. I'm not anxious to tie up a judge and lots of election judges and everybody else if they look accurate. What we have learned this afternoon is that Dominion we believe has access to these – this data. They were supposed to show up in Bernalillo County this morning and make it available to the Bernalillo County Canvassing Board and Clerk. Instead they went to Canada and we're under the current impression that the only access – there is no access to the digital information, though I know Madam Clerk is going to attempt to find out if there's a way around that or if different

machines have that access. And the only other thing that could be done is to actually get a court order to open the ballot boxes and do a hand-count of the ballots compared to the tally the machine had.

We would much prefer before going through the formal process of being able to simply get the digital copies, go through that, because I think \$10 a precinct isn't much money compared to the expense of people spending a couple days looking over ballots if we had to do that. So our request is that if possible, the electronic or digital copies of these machines be made available to anybody who wants. We have requested particular precincts for which there appear to be anomalies. For instance in one of the precincts the vote for the office of Secretary of State was greater than the vote for Senate, Congress or Governor. That may be what happened and it may be something with the machines. We've requested initially to look at precincts 5, 10, 21, 29, 47, 56, 62, 72, 74 and 77, and we'd really appreciate if the digital images became available and we could then sit down and go over those and see if there are concerns that require further inquiry. If not we could certainly file the formal procedure and will file the formal procedure because there's no evidence here frankly that the issues in question have anything to do with partisan bias or anything that we would expect to change election results. But they do have to do with the integrity of the elections and I think that before this Canvassing Board concludes and makes a report to the Secretary of State that it's going to be very important that these questions be resolved. Thank you.

COMMISSIONER ANAYA: Thank you, Mr. Ellenberg. Commissioner Chavez.

COMMISSIONER CHAVEZ: Just – I just wanted to give a few minutes observation of my experience voting, and I didn't realize at the time, Geraldine, that the way the ballot was perforated, the poll workers had a hard time tearing that off and I thought it was just a time issue, because they had people stacked while someone was trying to figure that out. But then later I did – well, I overheard the conversation behind me where in that process that ballot was torn so that had to be scrapped, right? So then it's a tracking – it's a matter of tracking that ballot and making sure that that number was recorded where it was supposed to be recorded. But that's not the data that Richard's looking for but it's the mechanics, the function of going through that voting line, right? And so I don't know if the contractor or whoever is processing, manufacturing those tablets with that perforated line need to make them more user friendly. I don't know where that fits in. It's not part of his discussion; that's just my observation as I voted this last election. So I'll just – I hope now is maybe just as good a time as any to pass that on to you. I don't know how you – if that fits into the function of the optic recorder and the machine, but I just thought I would put it out there.

COMMISSIONER ANAYA: Thank you, Commissioner Chavez. Commissioner Holian, do you have anything else? Commissioner Mayfield? Mr. Chair?

CHAIR MAYFIELD: No, Mr. Chair. Thank you.

COMMISSIONER ANAYA: Thank you. There's been a motion and second. Did we vote on the motion to open canvass, Ms. Brown?

MS. BROWN: You have a motion pending before you.

COMMISSIONER ANAYA: There's a motion by Commissioner Holian, second by Commissioner Chavez to prepare the canvass.

**The motion passed by unanimous [4-0] voice vote.**

COMMISSIONER ANAYA: We've also noted language noted with requests for specific reviews that potentially could occur and the Clerk, and I will just say this, that the Clerk and the Clerk's Office has always been very diligent and professional with her staff and with all the staff out in the precincts and doing their work and I have faith that that will continue and other comments have been noted on the record and the Clerk and her staff have work to be done associated with that canvass. Is there any other business of the Commission? Any more questions or comments? Seeing none, Ms. Brown, is there any other business?

MS. BROWN: Mr. Chair, I just wanted to advise you that to the extent requests for information are allowable under the law and data is available it will be produced.

COMMISSIONER ANAYA: Excellent. Thank you, Ms. Brown.

**6. Recess**

With no further business to come before the Board the meeting recessed at 2:35.

**SANTA FE COUNTY**

**CANVASSING BOARD MEETING**

**November 14, 2014**

The Canvassing Board was reconvened at approximately 2:12 p.m. on the above-mentioned date by Vice Chair Robert in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Danny Mayfield, Chair [telephonically]  
Commissioner Robert Anaya, Vice Chair  
Commissioner Liz Stefanics  
Commissioner Miguel Chavez

**Members Excused:**

Commissioner, Kathy Holian

**3. Motion to Reconvene as County Canvassing Board**

COMMISSIONER ANAYA: Chairman Mayfield is on the phone. He asked me to preside over the meeting so I'll go ahead and call the meeting to order. I'd entertain a motion to reconvene as the County Canvassing Board.

COMMISSIONER STEFANICS: Mr. Chair, I'll so move.

COMMISSIONER CHAVEZ: Second.

COMMISSIONER ANAYA: Motion from Commissioner Stefanics, second from Commissioner Chavez. Any discussion?

**The motion passed by unanimous [4-0] voice vote.**

**4. Motion for Approval of November 4, 2014 General Election Canvass, Pursuant to Section 1-13-13A, NMSA 1978**

GERALDINE SALAZAR (County Clerk): I would like to have Eric here in presence. We have documents here for you to sign today, but what I'll like to do is have Eric – could you call Eric, please, Richard? Here, to at least hear if you have any questions. We do have documents for you to sign today so today we're reconvening and Eric can go over any of the issues regarding the canvassing so that we can close for today. And after you go through the whole process the County's portion of the canvass will be over. Okay?

COMMISSIONER ANAYA: Okay, Madam Clerk. I know we had some discussion at the last meeting and some clarification of statute. Did we have any other requests in writing or any other clarifications associated with the actions that we're going to take today?

CLERK SALAZAR: No. No requests in writing other than the legal – our County Attorney may address this issue.

COMMISSIONER ANAYA: Mr. Shaffer.

GREG SHAFFER (County Attorney): Mr. Chair, we have received from the chair of the Democratic Party within Santa Fe County two requests pursuant to the Inspection of Public Records Act for digital images of ballots that were read by automated tabulators as well as the associated audit marks showing how the tabulator read the ballot, I believe are the heart of the request, but those are requests for public records and are outside of the canvassing process before the Board as it exists in statute. The Board is looking for errors, omissions, that appear on the face of the election returns. And as I understand it, going back to the source data to see ballots and seeing if they were accurately recorded by the tabulator is not part of the canvassing process. It's not part of the election returns. If it were to be undertaken that would be done as a recount or a recheck and those are separate statutory procedures that are not directly done by the Canvassing Board but have their own set of processes for how they're initiated – who receives them, who's present in the room when they're done. So those would be the requests that were made since the Board convened as the Canvassing Board last Friday.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I do have a question then. Part of our approval has to do with believing and ensuring we have an accurate count. So is – and I'm asking the Clerk or the Attorney or both of you this – is there anything in Santa Fe County that assures us that every vote was counted?

CLERK SALAZAR: It has not been brought to my attention by any of my staff that there is any issues regarding the count, although I am aware of the issues that the Democratic chair has brought to our attention, but as far as any issues regarding the count we have not seen any, but I would like Eric to go over the print out regarding the election, and he should be here. He was here, but he went to go get the document. So I apologize for this. A short



delay.

COMMISSIONER STEFANICS: Okay, so while we're waiting for that, Mr. Chair, I have one other question for the Clerk.

COMMISSIONER ANAYA: Sure.

COMMISSIONER STEFANICS: Madam Clerk, I understand that when there are election races that hinge on one percent or less there is a recount. I'm assuming that's at all levels – state, legislative and county levels. Could you clarify anything about that?

CLERK SALAZAR: If there's a certain percentage where they're very close, there should be an automatic count. The only one that I'm aware of with the automatic count that the high possibility, my understanding is that it should occur, is the Land Commissioner position. So where there's a percentage – it was 50-50 percent. So we're looking at that may be a recount in that race.

COMMISSIONER STEFANICS: So Mr. Chair and Madam Clerk, we didn't have that close of a race for the Land Commissioner in Santa Fe County. Is that correct?

CLERK SALAZAR: Eric, would you come to the podium and address any of the numbers that we have today?

ERIC BARRAZA (Elections Bureau Chief Deputy): Chairman Mayfield, Commissioner Stefanics, I kind of –

COMMISSIONER STEFANICS: I was asking about – I had an earlier question but the current question is about recounts and understanding that they have to be a percent or less to do recounts and I was asking if there were any, and the Clerk indicated that she knew that the State Land Commissioner would have one, but I was asking if in fact there was that closeness of vote in Santa Fe County or if there is enough spread that it's not a concern.

MR. BARRAZA: It's statewide, Commissioner Stefanics.

COMMISSIONER STEFANICS: No, I'm asking about the Land Commissioner Powell race in Santa Fe County. Is it a wide percentage?

COMMISSIONER ANAYA: If I could, Commissioner Stefanics, Eric, in that recount it's a recount of all votes in all counties, correct?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Regardless of the margin of defeat or victory, correct?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Thirty-three counties will be under a recount in that particular race.

MR. BARRAZA: That is correct.

CLERK SALAZAR: That's correct.

COMMISSIONER STEFANICS: So, Mr. Chair, the reason I'm asking that question is that perhaps the reason is we're not to approve those election results today, if there's going to be a recount. That's what I'm asking. That's behind my question. Are we not approving the State Land Commissioner. That was part of my second question here.

MR. BARRAZA: Chairman Commissioner Mayfield, Commissioner Stefanics, what will happen is that we will have to recanvass, so we'll have to restart a new canvass and do the Land Commission race all over again. So what we're basically doing today is what we've come up with so far and this is our results. Once we get the order to recount that Land

Commissioner race we'll have to reopen a new canvassing meeting and then actually close another canvassing.

COMMISSIONER STEFANICS: Okay, so Mr. Chair, let me ask the second question differently. Do we have any races in Santa Fe County that are less than one percent difference between the winner and the loser?

MR. BARRAZA: Commissioner Stefanics, no.

COMMISSIONER STEFANICS: Okay. Then going back to my very first question – can I go back to that?

COMMISSIONER ANAYA: Go ahead, Commissioner.

COMMISSIONER STEFANICS: Okay. My very first question was in acting as a Canvassing Board we want to make sure that every vote is counted. Do we have any assurance that the issues that have come up about the tagged machines and the audit, can we confirm that every vote has been counted in Santa Fe County? Before we confirm the elections today?

MR. BARRAZA: Commissioner Stefanics, really the only way to reassure that would be to do a recount itself and there has not been a refile or file for a recount. So what we've gone through is actually what we're doing during the canvass is we're matching signatures, making sure signatures, permits and the machine numbers all match. Those are the things that we do during a canvass. We also qualify provisionals. There's also absentee ballots that are delivered to precincts, so those are tallied and added to the results from election night, but as far as going – the only real sure way to do – I guess what I'm saying is a recount would have to happen.

COMMISSIONER STEFANICS: Okay, so Mr. Chair and Eric and Madam Clerk, I understood that there from the Secretary of State's information that there was an automated tabulation that could be done for an audit to identify how many ballots, how many votes on each item, etc. That that was automated. Do we not have that capacity?

MR. BARRAZA: Commissioner Stefanics, the new machined do have what we call an image audit log. What it is is an image of the ballot and it does, right below it it shows what was counted for the ballot. That is available. However, I was notified yesterday by the Secretary of State's Office that that cannot be used in a recount.

COMMISSIONER STEFANICS: Okay so my question here really isn't about a recount. That first question is really about has every person's vote been counted and that would seem to me to be an appropriate use for this automated technology.

CLERK SALAZAR: Yes, but I think we need to separate the issues, because what we're doing today is canvassing at the county level. So staff has worked for several days, for many, many hours to go through all of the tapes, all of the information that's provided to them and returned to them by poll workers. So they're to go over every number and every tape to check, do the checks and balances. And that's what we're here for today, is to complete the canvassing, and then if there's any issues about recounts or looking at images, those are separate issues.

COMMISSIONER STEFANICS: But Mr. Chair, Madam Clerk, when we sign those large documents today we are confirming the numbers for those races, are we not?

CLERK SALAZAR: That is correct.

COMMISSIONER STEFANICS: And we don't know what those numbers are if we haven't done that audit.

CLERK SALAZAR: Right. And I think at this point we would need legal counsel to go a little further for us. Because we can only – what's only humanly possible is to utilize the results that we have received from all the machines, from all of the ballots that were returned to polling places, that's what we can concentrate on today, are the results that we've received. After that, if there's any other issues then we have to look at what else is to be done. And at this point maybe Greg has something to add.

COMMISSIONER ANAYA: Commissioner Stefanics, I have a comment to add to your comment. You'll still hold the floor.

COMMISSIONER STEFANICS: I'll stop for a while.

COMMISSIONER ANAYA: So I have a few questions. I think for the public's edification as much as anything else. So I'm going to go over several things, ask some questions, and then whoever is the most appropriate person to answer go ahead and take a stab at it and maybe help me understand. Based on my understanding of – let's just isolate one race, the Land Commissioner race which is 50-50, it was my understanding that it sounds like it was wrong, that the recount was already underway associated with that race. Is there no recount going on at all anywhere in the State of New Mexico associated with the elections? Or if a Commission in another county has already signed these documents has there be any official – you said there had to be some order for the recount. Could you just talk about what that is and what that means so that the public can understand what happens in that process? And then I have some other follow up questions for clarification.

MR. BARRAZA: Okay, so Commissioner Anaya, all 33 counties conduct their canvasses and today is the final day.

COMMISSIONER ANAYA: And if we could, we know what canvass is because we deal with it, but could you tell the public what that means? What the term means? The term canvass, so that they can understand what that is, those that maybe don't know.

MR. BARRAZA: Commissioner Anaya, a canvass is basically checking, like the County Clerk mentioned, you're checking vote totals, you're checking signatures on the signature rosters, you're checking voting machine permits, making sure all those balance, and then if they don't balance, why didn't they balance. That's our reason for canvassing. We need to find out why there's a discrepancy.

COMMISSIONER ANAYA: Okay, so if I could, and I'm going to just do this exercise just so we could all maybe stay on the page. When I walk into an election precinct, I sign in my name, Robert Anaya, and my precinct. Then I'm given a number and a ballot, and then I take that ballot and I vote and then that number and that ballot is turned into another staff member at the precinct, and then that vote is tallied. So what you cross check is where I sign in when I walk in the door and the correlation between that and when that ballot is run through the machine. And then you quantify and make sure that 150 people showed up in one precinct and 150 people cast a ballot. And you crosswalk those two together. Is that right up to that point?

MR. BARRAZA: This is correct.

COMMISSIONER ANAYA: And then you verify through a tape, is my understanding, each one of those machines that counts that ballot, you verify the tape that comes out of it. Right?

MR. BARRAZA: What we're verifying on the tape is the number of voters that were processed on that machine.

COMMISSIONER ANAYA: In that machine. And then – but you don't do anything associated with the actual hard ballot at all.

MR. BARRAZA: No.

COMMISSIONER ANAYA: And before the election there's a process that you – and maybe you should tell the public that as well so that they understand. There's a process by which each of those machines is calibrated for lack of a better word to test it and – could you just talk about that just a little bit so people can understand what happens with the machine itself before the election date?

MR. BARRAZA: Each machine is certified and tested before the election. There's a period right before the election that we've got to certified. What we do is we run test decks through the machine and the outcome is – it's already pre-determined. So the machine needs to come out with that outcome. Early voting machines go through a very vigorous testing. It takes us maybe five hours to test an early voting machine and there too the results are predetermined.

COMMISSIONER ANAYA: So if I could, Eric, when you're doing what you call the test deck, you send in 25 ballots through a machine that are tabulated with specific races or identified? You send in those 25 cards to see did they tally like they were supposed to. Correct?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Okay. Go ahead.

MR. BARRAZA: And once we certify, we sign off on it, we deploy the voting machines. They're sealed up and that's about it for the certification process.

COMMISSIONER ANAYA: Okay. And in a recount of any election, like what you're going to do for the Land Office, is there some order that comes from the Governor or Secretary of State that says we're requiring a recount? What is that? Tell me what that process is.

MR. BARRAZA: As I was mentioning earlier, all 33 counties perform their canvass. Today is the final day. After today the Secretary of State performs their canvass. They meet on November 25<sup>th</sup>. I think it's the third Tuesday of November, and they finalize the canvass. That is the Secretary of State. The Governor, and they sign off on the canvass. At that point, if like the State Land Commissioner race is under half a percent then an automatic recount is required. An order from the Secretary of State will be deployed to the county clerks saying this race needs to be recounted. Also, we need to start getting court orders to open all these ballot boxes because the absentee board will be going through every ballot that was counted. And they'll be counting for just that particular race.

COMMISSIONER ANAYA: Okay. So that's the part I wanted to highlight. So the first process of the canvass is the verification of the tapes tied to the people that walked through into the voting doors and that's a process that you guys just went through including absentee and any provisional ballots that occurred out in the county. Correct?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: You go back through the tapes, provisionals and absentee early voting. Right.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: And that's why you're here today. You're saying based on the that sequential process that you go through we're now at the point of saying we verify within the realm of what we – and I'm going to say normally do or every county normally

does, the process, we went through that process and you're here today to say here's our tally. Here's our total.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: So when the recount happens, whether it happens by automatic recount of less than half a percent or whether an individual or a group of citizens as we talked about at the last meeting, file a petition formally and there's an order by a judge, when it goes into a recount, tell us again, and you just said it but I want you to say it again, just for clarity, the difference between what you're doing, what you've done to this point and what additional steps are you doing in a recount that you don't do in this first canvass silo.

MR. BARRAZA: So in a recount they will count every ballot, they will hand-count every ballot that was tabulated.

COMMISSIONER ANAYA: Absentee, early voting, provisional, every physical hard ballot is counted.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Okay. Okay. So that's clear. So let me ask this question. It's a little sidebar question. What happens in the event of an automatic recount when they count every ballot, what happens if there are large discrepancies that are found? Has a county entity, like a Canvassing Board like us, ever said well, even though there might have been a race that was ten percent off or whatever, can this Board ask for a recount and pay for it on the entire election in a county? I'm being candid. If we did a recount for the Land Office and there was vast discrepancies within that recount that were found, then the assumption – wouldn't the assumption then be there's probably vast discrepancies in every race?

MR. BARRAZA: Commissioner Anaya, I'm not sure if a Board of County Commissioners can ask for a recount but you as a candidate certainly could.

COMMISSIONER ANAYA: Okay. Greg, do you have any – and this kind of goes to the core of what Commissioner Stefanics asked for relative to if we're certifying a tally and there's a recount request process, is the Canvassing Board in any way part of that process. Jurisdiction by jurisdiction, each county, is there any latitude that the county has to ask for a recount and even pay for it for that matter?

MR. SHAFFER: Mr. Chair, in terms of the Canvassing Board and the process that we're in now, I would just start by underscoring that the Canvassing Board is supposed to canvass the election returns by looking at the returns to determine whether any discrepancy, omission or error appears on the face of the election returns. So that's the process that we're in now. If the Canvassing Board determines as part of this process that there do appear to be defective returns coming from the precinct board that cannot be corrected without a recheck of the machines, the Canvassing Board can refer that to the district court, so that the district court can then oversee a recheck of the machines. So that's the statute as I understand it with respect to the stage of the process that we are in now.

With respect to requests for recounts and rechecks outside of that process I'd have to double-check but I do not believe that the Canvassing Board itself as a body would be making that request once the results are canvassed or once we close this process, that that's coming from candidates can mount challenges and request those. There is an automated audit, or there is an audit process that's required by statute that may itself trigger a recount if that audit process showed that there are discrepancies, but again, the short answer to your question as I understand

it is I don't believe that that would be a request coming from the Canvassing Board as a body.

COMMISSIONER ANAYA: So if I could follow up, and then I'll go back to Commissioners for other comments. If the Canvassing – I'm trying to quantify what our statutory authority is or whether or not the process falls under what we sometimes do here at the Commission and the tax rate comes to mind, Commissioner Stefanics and Commissioner Chavez. We approve the tax rate in Santa Fe County but really have nothing to do at all whatsoever with how that tax rate is calculated, but we're required by law and by statute to go ahead and approve that. So I'm trying to think and understand if this – what we're doing here today – in some ways is very similar to that, that even though we're a Board of County Commissioners and the designated Canvassing Board, do we really have any real authority or not.

MR. BARRAZA: Commissioner Anaya, you guys are the Canvassing Board. You guys are always welcome to help canvass the election at any point. You can go join us and help canvass the election.

COMMISSIONER ANAYA: Let me clarify. None of my comments have anything whatsoever to do with the work I know you and Rick and the Clerk do. I know you guys work hard and you're doing your job. Just understand that. What I'm trying to do, and I think Commissioner Stefanics is trying to do the same thing, is we're trying to understand what's our authority, what's our responsibility and if questions arise do we have any other responsibilities as a Canvassing Board or are requests, and I think we read in the statute – I still have it right here – 1978 1-13-9 – or does that process then completely fall out of our hands and go back into the judiciary and district court and other vehicles? And I think that's the general tenor of what I'm hearing is where it falls. But I think for the public's understanding I think it's good to know in this democracy where things fall and how they occur.

One more question I would ask and I don't know if you want to answer it or you, Eric, do we or the Secretary of State's Office at any time – I know you guys spoke and I know the Clerk and I spoke offline as well tied to sampling work. Do we do any – are we allowed – maybe is probably the better question, as staff – you and the Elections Bureau, to do any sampling whatsoever of a certain percentage of the precincts to go deeper than the machine tapes? Or is it just the calibration of the machine tapes, the connection between how many voters came in the door and how many voted and is that where our statutory responsibility ceases and you can't go any further unless another trigger occurs, a candidate or less than half a percent? Is that kind of what I'm hearing?

MR. BARRAZA: Commissioner Anaya, we cannot touch ballots. We cannot go back and look at anything.

COMMISSIONER ANAYA: That's good to know, and I think the public needs to be – so you in no way can breach, for lack of a better word, the process beyond whatever the tapes show in connection with whatever the voters were that walked through the door.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Unless there's a formal request and it follows the process. I think it was 25 citizens or a candidate and then some responsibility through bond to basically pay for the recount if no inaccuracies are found. Is that right?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Thank you, Eric. Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Mr. Chair. I'm going to circle back. Madam Clerk, did you say you had some handouts or something for us to look at besides signing.

CLERK SALAZAR: I have documents that you will ultimately sign, five copies and I can give these to you know so you can look at them.

COMMISSIONER STEFANICS: Okay.

CLERK SALAZAR: These are documents that you will sign to complete the process of canvassing.

COMMISSIONER STEFANICS: Thank you. I think it would be worthwhile to have those documents before we make the motion. The second issue is I was at a donor lunch for Santa Fe Community College prior to my coming here today, and I sat with a gentleman and I don't know what county he's from; I do know his name. And he was an election judge for the Canvassing Board in his county and they did not approve something today. So there was an item. I don't know if it was the recount item. I don't know if it was something else. I don't know, because we were in a program setting and we were having to listen to the program when he said this to me. Because I said I was coming over here now.

So that takes me back to what the Secretary – and I'm saying this all because I think we're probably not going to resolve it today. I think that we have two years before the next election. We need to find out really what our roles are. We also need to find out what this automated audit capability that our Secretary of State set up, regardless if I agree with her or not, because it allows ballots to be tabulated to show – and just from the description I read I'm thinking 500 people voted, but 300 people voted for a candidate and 200 people did not. That to me is a huge discrepancy. But an automated reader might catch that. And I don't even know if that's what her system does. But I think in the next two years, before we get to the next election we should know if we have some other authority besides just saying we make a motion and we sign the papers. That's all, and I'm finished. But I would like to see what you're going to have us sign. Thank you.

CLERK SALAZAR: Yes, and all of these documents, what we'll do is – you can look at them and then we'll have each of you sign. There'll be originals. Five originals.

COMMISSIONER ANAYA: So I'm going to go to Commissioner Chavez and then I have a couple more questions, Eric, so don't go nowhere.

COMMISSIONER CHAVEZ: Well, I guess I'm sensing a little bit of frustration about maybe what our role is and I think that's okay. I'm understanding right now that our role is somewhat limited. It's somewhat narrow, just like your role is somewhat narrow. There's a certain line that you can't cross. There's a firewall that you can't breach. You only have access to certain information and you can't go past that line, and I think that's good. And Commissioner Anaya, I appreciate your exercise in trying to understand the process and what our duties are, duties and responsibilities, because I think sometimes, for me anyway, I have to accept that they can be somewhat limited. That doesn't mean that we cannot ask these other questions about the function, about the turnout, about whether the voting machines worked or not. I think we can still ask those other questions.

Unfortunately, it seems to me that in this process that we're provided right now we can't ask those questions. We can have the discussions, we can ask the questions, but it's not part of the simple approval of the canvass and accepting those narrow parameters. I'll just say that for

what it's worth.

But also, in the conversation, I also am understanding that what was asked of us before has taken a different course as well because they're not – the request that was presented to us before used the statute that Commissioner Anaya referenced and required that 25 individuals sign a petition. That's not what we're talking about now. There's a different request that's been made. So I'm assuming that that request is to access the same information and ask the same question but taking a different path. Am I right on that? Mr. Chair, would you let Mr. Ellenberg approach the Board?

COMMISSIONER ANAYA: Sure. Mr. Ellenberg.

RICHARD ELLENBERG: Thank you, Mr. Chair. Yes, Commissioner Chavez. The statute Mr. Anaya references allows a comparison of the paper tape to the counter of the machine. Our concern is not related to that statute. Our concern is related to whether the ballots properly record all the votes. And it's not really related to a recount. We really don't think this issue is likely to change any elections. If there are errors in the optical reader there's no reason to believe they don't balance out on both sides. Our concern really is with the integrity of the election process and given what we know about the fallibility and sensitivity of these optical readers, did they really function well? And to do that we're requesting to see the images of the ballot and the images of the audit, that is, how the machine counted those ballots.

It is a position of the party that traditionally, ballots are not looked at as part of the canvass. But this is the first time we've had a report, without looking at the ballots, that would allow some review of that. It's a position of the party that that should be part of the canvass. I know Mr. Shaffer has spoken to party counsel about that. I believe he's taking the opinion that that shouldn't be part of the canvass. I think you probably need to follow your attorney's advice on that. But our concern going forward, whether we get it from a Freedom of Information Act request, we get it as part of the canvass, is – those of us who follow the election protection process heavily for the last month are very concerned that these machines may have been defective. And even if there's a one half a percent chance it happened, we want to know that after this election and before the next so that ultimately we want to make sure we get a hold of these images of the ballots and the audits and get to have them examined in some process soon to affirm or raise questions about the integrity of the election process.

So I'm not going to disagree with Mr. Shaffer's opinions. Maybe this canvass won't get to that point. But it is important we really are trying to get to, as soon as we can, the vehicle that we get there, we're going to try all the vehicles that are available.

COMMISSIONER CHAVEZ: So the sticking points that you bring up and the statement Commissioner Stefanics made a few minutes ago about using the interim to try to fix anything that needs fixing, to adjust anything. I think that's what we need to focus on. So it's the mechanics, it's the recorder, that optical recorder, is it working properly or not? As I said last time I noticed that just a simple exercise of tearing the ballot off of the tablet, and it was even perforated, but people were having a struggle. Some of the poll workers were having a struggle with that. That needs to be more user friendly. Those are the mechanics of it, right? And if the mechanics of it are working then hopefully you have the right count and everything is in order.

So I wanted to first understand or go back to your request of a week ago, see if it's still – if it's misplaced or not. It doesn't seem to be. It's just taking a little different course. I think your outcome will be the same, ultimately, right?



MR. ELLENBERG: We're hoping that we will soon get to do that because we're a month away from qualifying for the school board elections around the state and the Community College elections. These machines are going to be back in play by the time we wake up from New Year's.

COMMISSIONER CHAVEZ: So we don't have the two-year cycle that we were thinking about earlier. It's a closer cycle. Okay, so I just wanted to have that discussion for my clarification. Hopefully that will help as we move forward. Thank you, Mr. Chair.

MR. ELLENBERG: Thank you, Commissioners.

COMMISSIONER ANAYA: Thank you. Eric, I have a couple more questions. Is there any difference – tell me how long we've been using these machines that we have that we used in this election. And is there any difference between the machines that we use now and the ones we used in the primary? And as a follow-up to that – well, go ahead and answer that first.

MR. BARRAZA: Commissioner Anaya, there is some differences between the two machines. This is more – this passes federal certification as far as reporting, I believe. The other machines pass certifications as well; the other machines were discontinued. So this is part of the reason why they switched to these new machines.

COMMISSIONER ANAYA: and I just want to say publicly that I didn't know that. I didn't know that we – so the machines between June in the primary and now all were changed?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Okay. Okay. Well, that – then I have maybe a few more questions than I would have otherwise. I was under the assumption that we had been utilizing the same equipment. I'm not picking on you or anyone else. I was just under the assumption that we had a primary in June and that we used the same machines in November. So is that the case? Do you only know for the County of Santa Fe or is that for the entire state of New Mexico?

MR. BARRAZA: In the primary there were 28 counties that used to old M-100 machines.

COMMISSIONER ANAYA: Say it again. So the equity M-100, is that the primary machines?

MR. BARRAZA: That was the machine that was used in the primary.

COMMISSIONER ANAYA: Okay, so 28 counties out of 33 used a different machine..

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: And that was called the equity – what?

MR. BARRAZA: It was called the M-100.

COMMISSIONER ANAYA: M-100. And it's a specific company?

MR. BARRAZA: Election Services – ES&S is the manufacturer.

COMMISSIONER ANAYA: ES&S. Okay, so if I could just isolate that for a minute just to maybe understand that. With the M-100 ES&S company's machines, was there any questions associated with the tallies at that time or potential discrepancies that happened either here at Santa Fe County or anywhere else in the State of New Mexico that you're aware of?

MR. BARRAZA: As far as I'm aware, no.

COMMISSIONER ANAYA: Okay. Okay, so then we had the primary election, 28 out of 33 counties, which is most everyone, used the M-100 from ES&S, and then those were discontinued – the machines and that company?

MR. BARRAZA: Commissioner Anaya, no. The company is still going. The model M-100 was discontinued.

COMMISSIONER ANAYA: So did they have the new model and did 28 out of 28 switch over to the new model – and if you don't know the answer for the other counties that's fine, but based on what you know, did all 28 switch over to the new machine?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Okay. So 28 dropped the machine and 28 picked up the new machine. And the new machine is what?

MR. BARRAZA: It's made from Dominion Voting. There's two separate machines, actually.

COMMISSIONER ANAYA: So it's not even that company.

MR. BARRAZA: No.

COMMISSIONER ANAYA: Brand new company and a new machine.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: And the company name first?

MR. BARRAZA: Dominion Voting.

COMMISSIONER ANAYA: Dominion Voting. And just so I can understand, when something like that change occurs, is there some kind of process that happens that each county is involved in? Or is that a decision that is made at the Secretary of State's level or somewhere else?

MR. BARRAZA: The decision to switch – I hate to speak for the Secretary of State's Office –

COMMISSIONER ANAYA: And this is based on what your understanding is, okay? I'm just trying to better understand what happened. So –

MR. BARRAZA: The legislature allocated money last year to switch machines. Only five counties with that money were able to switch. This past year the rest of the money was allocated to the Secretary of State's Office to outfit the rest of the counties.

COMMISSIONER ANAYA: Okay. So the five initial counties. Who were – they switched right away to this Dominion Voting?

MR. BARRAZA: Yes. Commissioner Anaya, they were biggest five counties with the exception of us.

COMMISSIONER ANAYA: Okay. So Dona Ana, Bernalillo, San Juan, Sandoval and who else?

MR. BARRAZA: Valencia County.

COMMISSIONER ANAYA: Sandoval and Valencia. So is there like a procurement that it goes associated with the machine that the state went through?

MR. BARRAZA: I'm sure there is, Commissioner.

COMMISSIONER ANAYA: And then – it would make sense so that there's consistency. So all 33 – and this will go to you, Madam Clerk. I guess all 33 clerks are then asked to abide by that new voting company and machine?

CLERK SALAZAR: Well, Chair Anaya, let me. I'm going to explain to you part

of the situation. Okay. So the Secretary of State went through a process to purchase new machines and there was support, and I supported the Secretary of State's request to purchase more new machines and sent letters to legislators because the fact is that the M-100s were old and we couldn't predict whether they were going to continue functioning. But we had never had problems with them.

So we were willing in Santa Fe County, I and my staff, based on what my staff went through in absorbing the M-100 and experiencing them and then with new machines in other counties utilizing those new machines we had made the decision at the County level, and I with my staff, that we were going to use the M-100s for the general election. That was my decision. We were going to use them. But then the issue was raised that they were going to give us – they had gone to election school. They had gone to meetings, and my staff said if we have to use new machines then we want to use the ICE machines, because they went through the process of learning about the ICE machines and the ICPs.

COMMISSIONER ANAYA: So if we could, because I just want to make sure I stay with it and I want to make sure that on the record that it's clear, the ICE is this Dominion voting machine?

CLERK SALAZAR: Yes.

COMMISSIONER ANAYA: And the ICE is the model number of the type? Is that what it is, Eric?

MR. BARRAZA: Correct. The ICE machine is called the Image Cast Evolution machine.

COMMISSIONER ANAYA: Okay. I'm sorry, Madam Clerk.

CLERK SALAZAR: So there's two machines. Dominion is the company and we have two machines that we're using from them, and that is the ICPs and the ICE machines. Those are the acronyms. So based on all of the training and the experience and going over these machines, I and my staff, and because of my staff they are the experts with voting machines, they said if we have to go with the new machine we would prefer getting the ICE machines. I said okay then. That's what I'll stand up to, is that we're going to request for ICE machines. And if we can't get them then we want to be able to use the M-100s.

Well, with all the divvying that occurred, we went to a meeting and we were told that we were going to receive ICPs. And I publicly stated in front of all the clerks that were there and the SOS and her staff, that no, I had requested for ICE machines. And if we were not going to receive ICE machines then we would utilize the M-100s, because they were certified; we could use them. We used them in the primary.

COMMISSIONER ANAYA: If I could, Madam Clerk, because I just want to make sure it's all clear on the record. SOS is Secretary of State?

CLERK SALAZAR: Correct.

COMMISSIONER ANAYA: And you used one other acronym before that?

CLERK SALAZAR: The SOS is Secretary of State.

COMMISSIONER ANAYA: ICP?

CLERK SALAZAR: ICP is – there's two voting machines from Dominion that we are using.

COMMISSIONER ANAYA: The ICE is the one we wanted or that others already got –

CLERK SALAZAR: Yes.

COMMISSIONER ANAYA: And the ICP is something else.

CLERK SALAZAR: Another machine. They're ADA compliant. Am I correct, Eric?

MR. BARRAZA: Yes. They're both ADA compliant.

COMMISSIONER ANAYA: What does ICP stand for?

MR. BARRAZA: ICP stands for Image Cast – Precinct.

COMMISSIONER ANAYA: Okay, I'm sorry, Madam Clerk. Go ahead.

CLERK SALAZAR: So when the divvying was occurring we were not going to receive the ICE machines, so that concerned me, because I know that my staff went through the whole process of what we should use or they wanted to use the M-100s. So I publicly spoke that we had to have the ICE machines. After that the Secretary of State's Office and her staff, they went over the process and they negotiated with us. And they said that we would receive 90 – am I correct, Eric? Ninety ICE machines.

MR. BARRAZA: It was 97.

CLERK SALAZAR: Ninety-seven ICE machines and we would receive 40 or 45 ICPs.

MR. BARRAZA: Forty-seven.

CLERK SALAZAR: Forty-seven.

COMMISSIONER ANAYA: If I could ask a question just so I can try and stay on track. You said that you negotiated with the Secretary of State?

CLERK SALAZAR: I would state – you have a different opinion, Eric?

COMMISSIONER ANAYA: No, I just want to understand, is the County obligated, is the County Clerk or the County in general obligated to select the machine that the Secretary of State says you should select? Or is there a list and you get to pick? I'm trying to figure out. Is there, Mr. Shaffer, and if you don't have the answer today then if you could help me get it then I'd appreciate it. I'm just trying to understand. There's some type of procurement that goes on and there's communication and coordination constantly I knew between the clerks and the Secretary of State to make sure elections go off like they should, for lack of a better word. But is there any statutory obligation to use the voting machines that they say to use?

MR. SHAFFER: Mr. Chair, we'll look into that and get back to you, either during the course of this conversation or afterwards.

COMMISSIONER ANAYA: That'd be fine. Madam Clerk, I guess just for – what's your understanding of what your authority is to pick voting machines?

CLERK SALAZAR: My understanding is that we could have utilized the M-100s but we did have the opportunity to use new technology and also the possibility of avoiding any machines from breaking down, the M-100s.

COMMISSIONER ANAYA: So it sounds like – and Greg will find it for us – it sounds like there's some discretion that each clerk has associated with the type of machine and probably what Eric falls into, meeting certain standards. If you want to just – we're all getting an education on our democracy and our voting process and our machines, so I think this is a healthy discussion, but don't take it in any way that it's an attack in any way on the staff. We just want to understand what procedurally happens and then what happens that we see publicly as voters and then what happens behind the scenes is I think what we're trying to just figure out.

MR. BARRAZA: Commissioner Anaya, voting machines must, to be used in the State of New Mexico, must pass federal certification first, and they must pass State certification testing. I believe Dominion and the M-100 – and I may be wrong on this – were the only machines available. Now, a couple of things to go back to in making the decision to move to the Dominion machines. We in the County Clerk's Office plan to move to VCCs – voting convenience centers in 2016. That's on our agenda to try to move to that type of voting. Our requests for the ICE machines.

COMMISSIONER ANAYA: Eric, let me stop you just again. Just to make sure everybody understands. A voting – when you say voting convenience center you're talking about a place where you could go vote any precinct you want in one place. Right?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: You don't have to go to a specific place.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Which is good, right? Because that gives the public better access to voting and not as many strings attached associated with where you have to go. So the voting convenience centers, which is a great thing that's happened in recent years gives the voters more access, and that's the wave, I guess, would you say?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Not only in New Mexico but across the country.

MR. BARRAZA: I believe so.

COMMISSIONER ANAYA: And is the object at the end of the day to get where we have voting convenience centers for every election or is that not allowed through statute?

MR. BARRAZA: Right now our plan is to do it for the primary and general election. I believe the City Clerk is also wanting to do the same.

COMMISSIONER ANAYA: So eventually, we're going to get to the point where wherever you go, if I wanted to vote here instead of in Stanley, then I could do that?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: At some point.

MR. BARRAZA: That is correct.

COMMISSIONER ANAYA: Okay, Eric. Go ahead. I'm sorry.

MR. BARRAZA: So our moment towards the voting convenience centers, like I said, the Secretary of State had an allocated amount of money to use. The reason we got the ICP was to get us past this election, this general election. And come 2016 we won't need as many machines. So the ICP was the only option for us to go, along with they allocated us 97 ICE machines.

COMMISSIONER ANAYA: I got you. So – I'm getting it, I think. So we had ICP machines. How many total voting machines do we have?

MR. BARRAZA: I believe it's 147.

COMMISSIONER ANAYA: Okay. So we have 147 voting machines and of those 97 were the ICE machine?

MR. BARRAZA: Yes, 97 were ICE and actually I misquoted earlier, it was 50 ICPs.

COMMISSIONER ANAYA: So 50 and 97. Okay. And ultimately the objective is to get to all 147 ICE machines.

MR. BARRAZA: Actually, Commissioner Anaya, we won't need – probably half the machines that we have now.

COMMISSIONER ANAYA: Because we'll have convenience centers instead of specific precinct voting.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Got it. Okay. Is there anything else? I interrupted you but I think it may be helpful. I know it helped me but I don't know if it helped anybody else.

MR. BARRAZA: Commissioner Anaya, I lost my train of thought there but if I get it back I'll let you know.

MR. SHAFFER: Mr. Chair, if I could. I have an answer to your question. By state law only machines that are certified by the Secretary of State can be used in an election, so the Secretary of State does control that process of what machines are certified for use in public elections, and by law, the Secretary of State is required to supply the County with voting systems for use in elections for public office.

COMMISSIONER ANAYA: Okay, so the Secretary of State – go ahead, Commissioner Chavez.

COMMISSIONER CHAVEZ: To follow up on that, Eric, you said earlier that the voting machines, the new voting machines are also certified by the federal government. Is that –

MR. BARRAZA: Correct.

COMMISSIONER CHAVEZ: So there are two processes then to certify these machines? The Secretary of State and then – so if I could, Mr. Chair, then expand on the – again, I know Commissioner Anaya walked us through this earlier, I think, but talk about how those machines are certified, both at the State level and at the federal level.

MR. BARRAZA: Commissioner Chavez, I cannot tell you the testing they go through or –

COMMISSIONER CHAVEZ: Okay. Madam Clerk, all we know then is that they're certified following some criteria that's set up for manufacturers of these machines.

CLERK SALAZAR: Yes.

COMMISSIONER CHAVEZ: Only one or two manufacturers that we know of, and there's only one or two machines that we can select from. Am I right on that?

CLERK SALAZAR: Yes. When you're looking at federal, state. And then we certify machines but we have a different process. That's for us to use these.

COMMISSIONER CHAVEZ: Okay. And that's the process the Commissioner talked about earlier, how they do a test run on these machines when we get them. So that's our check and balance to see if in fact their certification process is working.

CLERK SALAZAR: Yes.

COMMISSIONER CHAVEZ: Okay. Thank you.

MR. BARRAZA: Commissioner Chavez, if I could add to that. When we get the voting machines we have to do an acceptance test ourselves, making sure the mechanics of everything works. If they don't, then they switch out the machine and give us a brand new one.

COMMISSIONER CHAVEZ: I guess the other problem I think is that – well, if there's only two machines available I guess that limits our options. So I was thinking of the concept of standardizing so that everybody was using the same machine but I don't know that that's going to happen, but at a minimum we know that there's only two machines so at least we

have a narrow sphere there of what could go wrong with each of those models and how to fix it, what you would have to do to modify or retrofit that machine to do what it's not doing right now.

CLERK SALAZAR: And Chair Anaya, let me also state that in the end, having the ICPs was a benefit and not 100 percent of the ICE machines because when we had the issue of the absentee ballots we were able to pull the ICPs and utilize that machine for that process. So in the end having both the machines was a good idea, but we wanted to go with the ICE machines based on all the training, the observation, the going over the ICE machines and what choices we had and we had submitted early on. So in the end it did work out with the ICPs. But as my staff has stated, they were up for the challenge, but they didn't realize how many challenges there would be.

So what we had to do at our end to maintain the process and the integrity of the election, in this canvass that we are going through today to complete is based on the results of all the work of every poll worker, every County employee that has worked until 5:00 in the morning, till 1:00 in the morning, to count, to process, to certify. They have worked so hard. So at this point when we focus on the canvass, what's humanly possible for today is that we look at the results and we approve those results to say that we have done the process correctly. And if you have any questions we are here to answer them, if we have the answers.

And also, I would like to open the invitation that Eric gave to you earlier to be a part of the canvassing process if you can. If we go to a recount for the Land Commissioner position I will offer the invitation that if you want to participate in that recount, to see the process, but remember too we committed from the beginning to the end, whatever it takes, so that you can see the details it takes to run an election, to run a canvass or a recount. There are so many details. The general public is clueless about what it takes to run an election. So if any of you would like to be a part of that process you are welcome. And when you're not there we are doing this for you. My staff is doing this for you and we work very hard.

COMMISSIONER ANAYA: Madam Clerk, once again, I in no way in my questions or comments begrudge any of the staff or yourself for your work. But I do think the exercise of the questions raised – I mean I myself I think many times the assumption from the public is that we know, we as the Canvassing Board know and today's minutes is an example that we don't and that we all continue to learn. But I respect your job and the job of staff that they're doing, but I also think there are other questions that come up in my mind, based on the questions and responses I received that are beyond the realm and control of you, Eric, or you, Madam Clerk.

But I just want to restate a few things and if I say something wrong then stop me and say, that's not right, Robert. This is what it is. It's my understanding that five counties, Dona Ana, Bernalillo, San Juan, Sandoval and Valencia, changed to the ICE machines first.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: All of them. Not half ICP. They went all of them.

MR. BARRAZA: This is correct.

COMMISSIONER ANAYA: And that was for the primary.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: So in the primary election that we had, those five counties had 100 percent ICE machines.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Which is the Image Cast Evolution.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: And then the other 28 counties, am I to understand this part? Maybe I got lost again. Am I to understand that 27 of the 28 counties got 100 percent ICE?

MR. BARRAZA: No. I don't know the percentages exactly, Commissioner, but I know that most of the counties on the second phase got ICP machines with the exception of us and I believe Los Alamos County maybe.

COMMISSIONER ANAYA: Okay. So only two more counties that you're aware of got a combination of ICE and ICP, and the rest got all ICP of those 27?

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: So is the plan that the other 27 get the ICE machine or are they going to stick with the ICP?

MR. BARRAZA: They will stick with the ICP.

COMMISSIONER ANAYA: Because they're going to probably stick with precinct voting as opposed to convenience centers.

MR. BARRAZA: No, that is not –

COMMISSIONER ANAYA: Not necessarily?

MR. BARRAZA: A lot of them are already into voting convenience centers.

COMMISSIONER ANAYA: Okay. So it's the same company in the State of New Mexico that just got transitioned since the primary, has 100 percent responsibility of the State of New Mexico.

MR. BARRAZA: Correct.

COMMISSIONER ANAYA: Okay. Okay. I think that's the questions of this Commission. Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Chair, I'm ready for a motion. The motion is to approve the November 4, 2014 general election canvass pursuant to Section 1-13-13A NMSA 1978. And I would wholeheartedly like to thank all of the Clerk's staff and Election Bureau for all of the time that is spent on this and it is my hope that in the future there will be continued diligence about the machines that we use. Thank you.

COMMISSIONER CHAVEZ: And I would second the motion and ditto Commissioner Stefanics' comments. I don't know if I commit to the canvass does that mean I have to stay around to 5:00 in the morning also?

CLERK SALAZAR: That's what my invitation requires, so that you see the whole process. Yes.

COMMISSIONER CHAVEZ: Okay. So anyway, just thanks to staff and I know – I've been a poll worker myself and I know what that takes. It's not easy. I can only imagine what staff has to go through, so I'm willing to accept a process for what it is but I do appreciate the other discussion, the questions, questioning the mechanics of it and whether it's really working. I think we need to keep asking those questions. So anyway, that's my second and a few comments. Thank you, Mr. Chair.

COMMISSIONER ANAYA: There's a motion and a second. Commissioner Mayfield, Mr. Chair?

CHAIR MAYFIELD: Thank you, Commissioner. Yes, I appreciate the



conversation. I hope you all can hear me, but one quick question as follow-up. If we moved from say the MP-100s, if I have the acronyms right, to the ICE and the ICP machines knowing that the intention is to go to convenience centers, why was the need to move? Why couldn't we have kept those MP-100s in place for the general election without that expenditure of cash? For the new machines? Or the lease of the new machines?

MR. BARRAZA: Chairman Mayfield, the main reason to move into the Dominion machines was because of the voting convenience center trend. The reporting on it is much better than what the M-100 was able to give us.

CHAIR MAYFIELD: Okay. That's all I have. Thank you.

COMMISSIONER ANAYA: Thanks again, staff and Clerk. Ditto my colleagues' comments. Thanks for your patience in answering my questions. Appreciate it. When we were talking about ICE machines I was thinking about a different kind of ice machine, Eric. Anyway, we have a motion and second. Any further discussion? Seeing none.

**The motion passed by unanimous [4-0] voice vote.**

COMMISSIONER ANAYA: That's four in the affirmative, unanimous. Thank you very much.

CLERK SALAZAR: Chair Anaya, I want to thank all of you for your questions and for the opportunity of working for all of you. Thank you. Take care.

COMMISSIONER ANAYA: So we need to sign each of these, Madam Clerk?

CLERK SALAZAR: Yes. There are five copies so I need signatures on all five.

COMMISSIONER ANAYA: Is there any other business, Mr. Shaffer? Madam Clerk?

MR. BARRAZA: If I may add –

COMMISSIONER ANAYA: Eric.

MR. BARRAZA: Chairman Mayfield, are you still there? I just wanted to add that I have a number of provisional ballots that he needs to sign as soon as possible.

COMMISSIONER STEFANICS: Mr. Chair.

COMMISSIONER ANAYA: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Clerk, usually when this occurs and some of us aren't here we're given a deadline by which date you have to have it done so if we have to drive it to people we do that. So you might want to clarify that not only for Commissioner Mayfield but for Commissioner Holian. Thank you.

CLERK SALAZAR: Okay. Eric, do you want to clarify further? I will send an email out the way I did the last time to all of you with the date.

MR. BARRAZA: Sometime next week.

COMMISSIONER ANAYA: There will be a test on all this stuff we talked about today.

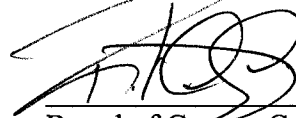
CLERK SALAZAR: And Eric, I want to thank you. Your leadership has been incredible.

COMMISSIONER ANAYA: Thank you, Eric.

**5. Adjourn**

Having completed the agenda and with no further business to come before this body,  
Vice Chair Anaya declared this meeting adjourned at 3:22 p.m.

Approved by:



Board of County Commissioners  
Robert Anaya, Vice Chair

ATTEST TO:

GERALDINE SALAZAR  
SANTA FE COUNTY CLERK



Respectfully submitted:



Karen Farrell, Wordswork  
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12-9-2014

