

SANTA FE COUNTY
RESOLUTION 2024-069

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on May 14, 2024, did request the following budget adjustment:

Department / Division Clerk's Office/Bureau of Election
Budget Adjustment Type (drop down): Other Fiscal Year: 2024 (July 1, 2023 - June 30, 2024)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT DIVISION XXXX	ACTIVITY BASIC/GRD XXX	ELEMENT/ OBJECT XXXX	LINE DESCRIPTION	INCREASE AMOUNT	DECREASE AMOUNT
101	0902	371	90-00	STATE / OTHER - RLE 2023	\$ 386,977	
101	0901	371	90-00	STATE / OTHER - RLE 2023	13,023	
Subtotal from First Page					\$ 400,000	\$ -

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT DIVISION XXXX	ACTIVITY BASIC/GRD XXX	ELEMENT/ OBJECT XXXX	LINE DESCRIPTION	INCREASE AMOUNT	DECREASE AMOUNT
101	0902	417	10-24	TEMPORARY POSITIONS - RLE 2023	\$ 108,838	
101	0902	417	10-25	OVERTIME - RLE 2023	123,589	
101	0902	417	20-01	FICA - REGULAR - RLE 2023	27,274	
101	0902	417	20-02	FICA - MEDICARE - RLE 2023	6,379	
101	0902	417	20-08	WORKERS COMP (ASSESSMENT) - RLE 2023	281	
101	0902	417	50-03	CONTRACTUAL/PROFESSIONAL - RLE 2023	1,640	
101	0902	417	70-02	RENT OF LAND / BUILDINGS - RLE 2023	3,268	
101	0902	417	70-37	PRINTING/PUBLISHING/ADS - RLE 2023	3,525	
101	0902	417	74-01	VOTING MACHINE TRANSPORT - RLE 2023	7,931	
101	0902	417	74-02	JUDGES/POLL CLERKS - RLE 2023	86,222	
101	0902	417	74-05	OTH ELECTEXP & SUPPLIES - RLE 2023	18,030	
101	0901	416	10-25	OVERTIME - RLE 2023	13,023	
Subtotal from First Page					\$ 400,000	\$ -

Requesting Department Approval: Jennifer Wilson Title: Deputy Clerk Date: 5/10/2024 Log # 74
Capital/Grants Approval: N/A
Finance Dept Approval: [Signature] Date: 5/10/2024 Budget Administrator: [Signature] Date: _____
County Mgr Approval: [Signature] Date: 5/14/24 Entered by: _____ Date: _____
Updated by: _____ Date: _____

**SANTA FE COUNTY
RESOLUTION 2024-069**

BUDGET ADJUSTMENT REQUEST FORM

Fiscal Year 2024 (July 1, 2023 Through June 30, 2024)

CONTINUATION SHEET

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE	DEPARTMENT DIVISION	ACTIVITY BASIC/SUB	ELEMENT/ OBJECT	LINE DESCRIPTION	INCREASE AMOUNT	DECREASE AMOUNT
101	0902	371	90-00	STATE / OTHER - PRIMARY 2024	\$ 635,000	
101	0901	371	90-00	STATE / OTHER - PRIMARY 2024	15,000	
Subtotal from Second Page					\$ 650,000	\$ -
Total of All Pages					\$ 1,050,000	\$ -

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE	DEPARTMENT DIVISION	ACTIVITY BASIC/SUB	ELEMENT/ OBJECT	LINE DESCRIPTION	INCREASE AMOUNT	DECREASE AMOUNT
101	0902	417	10-24	TEMPORARY POSITIONS - PRIMARY 2024	\$ 350,000	
101	0902	417	10-25	OVERTIME - PRIMARY 2024	150,000	
101	0902	417	20-01	FICA - REGULAR - PRIMARY 2024	21,700	
101	0902	417	20-02	FICA - MEDICARE - PRIMARY 2024	5,075	
101	0902	417	20-08	WORKERS COMP (ASSESS) - PRIMARY 2024	460	
101	0902	417	50-03	CONTRACTUAL/PROFESSION - PRIMARY 2024	10,000	
101	0902	417	70-02	RENT OF LAND / BUILDINGS - PRIMARY 2024	3,000	
101	0902	417	70-37	PRINTING/PUBLISHING/ADS - PRIMARY 2024	10,665	
101	0902	417	74-01	VOTING MACHINE TRANSPORT - PRIMARY 2024	9,100	
101	0902	417	74-05	OTH ELECT EXP & SUPPLIES - PRIMARY 2024	75,000	
101	0901	416	10-25	OVERTIME - PRIMARY 2024	15,000	
Subtotal from Second Page					\$ 650,000	\$ -
Total of All Pages					\$ 1,050,000	\$ -

**SANTA FE COUNTY
RESOLUTION 2024-069**

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT

(If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.)

1 Please summarize the request and its purpose in the area below.
 Santa Fe County entered into two Memorandum of Understanding (MOU) with the Office of the Secretary of State (SOS) for elections costs related to the 2023 Regular Local Election (\$400,000) and 2024 Primary Election (\$650,000). The County Clerk's Office is requesting that these funds be budgeted so as to increase the FY2024 budget of the County Clerk's Office.

Is this Budget Action for a Recurring or Non Recurring Expense(one-time)	Recurring	Non-Recurring
	X	

3 Does this request impact a revenue source?

Yes	No
X	X

A. Is this a State Special Appropriation? If Yes, cite Statute and attach a copy

X

B. Does this include state or federal funds? If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget. 2024-0261-CLK PE SOS-Santa Fe County MOU & 2024-0049-CLK MOU Election Cost Reimbursement SOS

X

C. Is this request a result of Commission action? If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.)

X

D. Is a match required? If Yes, please identify funding source in the line below.

X

PLEASE PROVIDE THE LINE ITEM OF THE MATCH BELOW

FUND	DEPARTMENT	ACTIVITY	EXPLANATION	CATEGORY / LINE ITEM	AMOUNT	BUDGETED (Line Items)

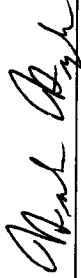
SANTA FE COUNTY
RESOLUTION 2024- 069

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the New Mexico Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above; and,

BE IT FURTHER RESOLVED that, at a meeting following the upcoming primary election and subsequent audit, the County Clerk will report data to the Board regarding drop boxes, early and extended voting, staffing expenses and other expenditures related to the election.

Approved, Adopted, and Passed This 14th Day of May, 2024.

Santa Fe Board of County Commissioners



Hank Hughes, Chairperson

ATTEST:

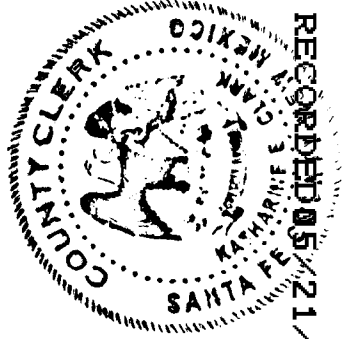


Katharine E. Clark, County Clerk

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 21ST Day Of May, 2024 at 04:36:50 PM And Was Duly Recorded as Instrument # 2034229 Of The Records Of Santa Fe County



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

SFC CLERK RECORDED 05/21/2024

2023 Regular Local Election MOU

NEW MEXICO
MEMORANDUM OF UNDERSTANDING
BETWEEN THE
OFFICE OF THE SECRETARY OF STATE
AND
SANTA FE COUNTY

This **MEMORANDUM OF UNDERSTANDING** ("Agreement" or "MOU") is entered into by the Office of the Secretary of State ("Office" or "Agency") and Santa Fe County ("County"), (collectively, "the Parties") as of the last date of execution by the Parties below.

RECITALS

WHEREAS, the Regular Local Election ("Election") is to be held statewide on November 7th, 2023 ("Election Day"); and

WHEREAS, the Agency, as required under the New Mexico Election Code, is responsible to pay all costs of the Election, including reasonable costs incurred by each County Clerk; (NMSA 1978, §1-11-19 Costs of Elections; Election Fund); and

WHEREAS, the Agency has been appropriated funds from the New Mexico State Legislature to pay for the cost of conducting and/or administering a Statewide Election; and

WHEREAS, it is in the interest of the Parties for the Office to sub-grant appropriated funds to each county prior to a given election with the intent that the funds be used to cover the costs of running an election.

AGREEMENT

THEREFORE, the Parties agree that this MOU is entered expressly and solely for the purpose of providing state-appropriated funds to the County to cover the costs of conducting and administering the Election.

1. RESPONSIBILITIES

The Office shall:

- A. Issue the County a warrant drawn through the New Mexico Department of Finance and Administration (DFA) at least ninety (90) days prior to Election Day in the amount of **Four Hundred Thousand Dollars (\$400,000.00)** for projected costs that the Parties agree will be incurred in the administration of the Election.

The County shall:

- A. Finalize and sign this MOU at least (60) days prior to Election Day.
- B. Use the appropriated funds in accordance with the New Mexico Election Code and in compliance with the reimbursable expenses outlined in Appendix A of this MOU.

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2023 Regular Local Election MOU

- C. Provide to the Office, no later than (45) days following Election Day, a full accounting of expenses incurred during the Election and provide to the Office all invoices, receipts, and copies of warrants paid by the County during the Election cycle.
- D. Return any unused funds to the Office upon completion of election-related activity no later than (45) days following Election Day.

2. ADDITIONAL REIMBURSEMENTS

If election costs incurred by the County exceed the initial amount provided in this MOU, the County may request reimbursement no later than (45) days after Election Day using a prescribed form provided by the Office with a description detailing the additional costs and their relevance to the Election. Additional costs are not guaranteed to be reimbursed but will be reimbursed by the Office if such costs are deemed to be eligible expenses and if funds are available.

3. INELIGIBLE EXPENSES

The Office shall not reimburse ineligible expenses under any circumstance. The Office shall conduct an internal review of all expenditures under this MOU and utilize historical expenditure data to verify year-over-year trends to determine eligibility of expenses and their applicability to the items Appendix A.

All work is expected to be complete on or before Election Day; in no case shall work extend beyond Election Day with the exception of pollworker costs described in Appendix A, a potential recount or recheck, or any work required by a court order issued pursuant to the Election Code. If any funds remain after the completion of the Election, such funds must be returned to the Office (45) days following Election Day.

4. TERM

This MOU shall become effective upon the final signature affixed to this MOU and will remain in effect until its expiration (45) days following Election Day, unless terminated pursuant to Article 7.

5. RESPONSIBILITIES

- A. **Records.** The County shall maintain all fiscal records detailing expenditures under this MOU and follow Generally Accepted Accounting Principles (GAAP), and account for all receipts and disbursements of funds transferred to the County pursuant to this MOU.
- B. **MOU Execution.** Should a MOU between the Parties fail to be finalized (60) days prior to Election Day, the County will only be reimbursed for eligible expenses as outlined in 1.10.36 NMAC and will only be reimbursed upon finalization of an executed MOU.
- C. **Reporting.** The County must file a report of expenditures with the Office no later than (45) days after Election Day for accounting. The report must include a completed expenditure form provided by the Office with a description detailing the costs and their relevance to the Election. The County shall return any unused funds via physical check made out to the Office of the Secretary of State no later than (45) days after Election Day. If the County does not file expenditure reports by the deadline established in Section A of 1.10.36.10 NMAC, the County will not be reimbursed for additional requests until the expenditure report is filed and funds become available for reimbursement.

6. LIABILITY

Each Party will be solely responsible for liabilities due to its own violation or alleged violation of requirements applicable to the performance of the MOU. Neither Party will be responsible for the other

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2023 Regular Local Election MOU

Party's acts or omissions in connection with this MOU. Any liability incurred in connection with this MOU is subject to the New Mexico Tort Claims Act, NMSA 1978 Section 41-4-1 et seq., as amended.

7. TERMINATION

Either Party may terminate this MOU for cause or convenience by giving notice in writing to the other Party within (30) days of the date of intended termination.

8. AMENDMENT

This MOU must not be altered, changed, or amended except by a written instrument duly executed by the Parties. Any amendments must be in writing and signed by the Parties before becoming effective.

9. NOTICE

The parties will send written notice when needed to the following individuals:

To the Office:

Justin P. O'Shea
Chief Financial Officer
New Mexico Office of the Secretary of State
325 Don Gaspar Ave, Suite 300
Santa Fe, NM 87501
justin.oshea@sos.nm.us
505.827.3615

To the County:

Katharine E. Clark
Santa Fe County Clerk
Santa Fe County
PO Box 1985
Santa Fe, NM 87504
kclark@santafecountynm.gov
505.986.6280

10. MISCELLANEOUS PROVISIONS

- A. **Compliance with Laws.** The laws of the State of New Mexico will govern this MOU. The Parties shall comply with all federal and State laws, regulations, and rules applicable to the performance of this MOU and the duties hereunder.
- B. **Subsequent Terms.** This MOU supersedes and replaces all previous oral or written agreements between the Parties relating to the subject matter hereof. Furthermore, this MOU contains the entire agreement and understanding between the Parties relating to the subject matter.
- C. **Appropriations.** The terms of this MOU are contingent upon sufficient appropriations and authorizations made by the Legislature of New Mexico.
- D. **Property.** The parties understand and agree that property, if any, acquired as a result of this MOU shall be the property of the County.

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2023 Regular Local Election MOU

In witness whereof, this Agreement is duly executed upon the date of the last signature affixed and dated:

Maggie Toulouse Oliver

09/21/2023

Maggie Toulouse Oliver, Secretary of State
Office of the Secretary of State

Date

Peter Auh

09/21/2023

Peter Auh, General Counsel
Office of the Secretary of State

Date

Katharine E. Clark

09/18/2023

Katharine E. Clark,
Santa Fe County Clerk

Date

Gregory S. Shaffer

9/21/2023

Gregory S. Shaffer,
Santa Fe County Manager

Date

Cristella Valdez for

9.13.23

Jeff Young,
Santa Fe County Attorney

Date

Yvonne S. Herrera

9/20/2023

Yvonne S. Herrera,
Santa Fe County Finance Director

Date

SFC CLERK RECORDED 05/21/2024

2023 Regular Local Election MOU

APPENDIX A

DESCRIPTION	STATUTORY REQUIREMENT	RELEVANT STATUTE(S)	REASONABLY INCLUDES:
Poll Workers (Election Boards; Absentee, Early and Election Day)	Each election board shall consist of a minimum of three judges (required); one presiding judge and two election judges. Election clerks can also be appointed to assist the presiding judge and election judges.	1-2-12 & 1-9-5(C), 1-6-14(K) NMSA 1978	For all polling locations, no fewer than three judges are required to administer the election. In the case of Voter Convenience Centers (VCCs), a minimum of two ballot-on-demand stations are required per site; counties will need to plan accordingly to ensure adequate staffing to operate these systems.
Registration Officers (Same Day Registration)	During a statewide the county clerk's office or alternate voting location if the clerk has assigned an authorized deputy to serve as a registration officer at the alternate voting location.	1-4-5.7(D), NMSA 1978	The cost of one authorized registration officer, per polling location (that is offering SDR), per day.
Interpreters	In those polling places designated by the secretary of state as being subject to the provisions of the 1975 amendments to the federal Voting Rights Act of 1965, oral assistance shall be made available to assist language minority voters who cannot read sufficiently well to exercise the elective franchise. As used in the Election Code, "language minority" means a person who is an American Indian or of Spanish heritage and "inability to read well enough to exercise the elective franchise" means inability to read the languages in which the ballot is printed or the inability to understand instructions for operating the voting machine.	1-2-19, NMSA 1978	Assisting voters who speak a language that is unwritten; precincts identified as "Native American Precincts" through the Native American Election Information Program.
Messengers	The county clerk may appoint messengers to deliver ballot boxes, poll books, keys, election supplies and other materials pertaining to the election. Messengers may also be authorized to collect absentee ballots and removable media storage devices from polling places designated by the county clerk. and deliver them to locations.	1-2-20, NMSA 1978	Individuals appointed by the clerk to serve as messengers, who comply with the requirements outlined in 1-2-20.
Election Publications	Election board standby list: Not less than twenty-one days prior to the date for appointing members of election boards, the county clerk shall publish a notice once in a newspaper of general circulation to the effect that election boards are to be appointed for the specified number of precincts, stating the number of persons composing each board and that applications for the standby list will be accepted at the county clerk's office. Notice of election: The notice of election shall be published at least once, not more than twenty-one nor less than seven days before election day. The notice of election shall be published in a legal newspaper as provided in Section 14 11 2, NMSA 1978. If no legal newspaper is published in the	1-2-9 & 1-11-3(A), NMSA 1978	Publication of the election board standby list and notice of election.

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2023 Regular Local Election MOU

	<p>county, the notice of election shall be published in a legal newspaper of general circulation in the county. The notice of election shall be printed in English and Spanish. The notice of election shall be broadcast on a radio station in the appropriate Native American languages in those counties affected by the federal Voting Rights Act of 1965, as amended.</p>		
Polling Place Signage & Building Requirements	<p>The location of each polling place within a building shall be clearly designated by appropriate signs, displayed prominently and clearly. Signs for each polling place shall be clearly displayed outside the building where polling takes place.</p>	1-3-18(A), NMSA 1978	Appropriate signage and materials used to clearly and prominently display where polling is taking place.
Postage	<p>The Secretary of State shall deposit sufficient funds in the business reply mail account for each county clerk to ensure delivery of all mailed ballot applications and returned mailed ballots.</p> <p>The clerk shall determine the most reasonable expedited means of delivery for a ballot and balloting materials for a federal qualified elector who does not request secured electronic transmission.</p>	1-6-8(A)(2); 1-6B-5(E)(2); & 1-6C-6(D), NMSA 1978	Postage for absentee ballots (outbound) and returned mail ballots (inbound).
Tabulator Delivery	<p>The county clerk shall be responsible for transporting all voting systems to and from polling places. A reasonable fee may be charged by the county for the transportation and programming of the voting systems when used pursuant to Section 196, NMSA 1978, but in no case shall such fee exceed the actual cost to the county. Voting machines shall be delivered to the assigned precinct polling place at least three days before the polls are required to be opened. The election supplies and the keys of voting machines shall be delivered to the presiding judge at least one hour before the polls are required to be opened.</p>	1-9-12(A)(E) & 1-11-11(A), NMSA 1978	Transport of voting systems to and from polling locations.
Office Supplies (for the Election)	<p>Supplies needed for the administration of the election.</p>	1-11-19(A)(2), NMSA 1978	Consumable office supplies required to conduct the election and post-election canvass including paper, ballot marking pens, pencils, paperclips, staples etc.
"Other"	N/A	N/A	Temporary election support staff <i>and/or</i> overtime (OT) for county employees, provided the OT is incurred during the conduct and administration of the Election.

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Table 1: Schedule of Cost Eligibility

NEW MEXICO
MEMORANDUM OF UNDERSTANDING
OFFICE OF THE SECRETARY OF STATE
AND
SANTA FE COUNTY

This **MEMORANDUM OF UNDERSTANDING** ("Agreement" or "MOU") is entered into by and between the Office of the Secretary of State ("Office" or "Agency") and Santa Fe County ("County"), (collectively, "the Parties") as of the last date of execution by the Parties below.

RECITALS

WHEREAS, the Primary Election ("Election") is to be held statewide on June 4th, 2024 "Election Day"; and

WHEREAS, the Agency, as required under the New Mexico Election Code, is responsible to pay eligible costs of the Election, including reasonable costs incurred by each County Clerk; (NMSA 1978 §1-11-19 Costs of Elections; Election Fund): and

WHEREAS, the Agency has been appropriated funds from the New Mexico State Legislature to pay for the cost of conducting and/or administering a Statewide Election; and

WHEREAS, it is in the interest of both Parties for the Office to sub-grant appropriated funds to each County prior to a given Election with the intent of such funds to cover the costs of running an Election.

AGREEMENT

THEREFORE, the Parties agree that this MOU is entered expressly and solely for the purpose of providing state-appropriated funds to Santa Fe County to cover the costs of conducting and administering the Primary Election.

1. RESPONSIBILITIES

The Office shall:

- A. Issue to Santa Fe County a warrant drawn through the New Mexico Department of Finance and Administration (DFA) at least ninety (90) days prior to Election Day in the amount of six hundred fifty thousand (\$650,000.00) for projected costs that the Parties agree will be incurred in the administration of the Primary Election.

The County shall:

- A. Finalize and sign this MOU at least sixty (60) days prior to Election Day.
- B. Use the appropriated funds in accordance with the New Mexico Election Code and in compliance with the reimbursable expenses outlined in Appendix A of this Agreement.
- C. Provide to the Office, no later than forty-five (45) days following Election Day, a full accounting of expenses incurred during the Election and provide to the Office all invoices, receipts, and copies

SFC CLERK RECORDED 05/21/2024

2024 Primary Election MOU

of warrants paid by the County during the election cycle.

- D. Return any unused funds to the Office upon completion of election-related activity no later than forty-five (45) days following Election Day.

2. ADDITIONAL REIMBURSEMENTS

If Election costs incurred to a County exceed the initial amount provided through this MOU, the County may request reimbursement no later than forty-five (45) days after Election Day using a prescribed form provided by the Office with a description detailing the additional costs and their relevance to the Election. Additional costs are not guaranteed to be reimbursed but shall be reimbursed by the Office if such costs are deemed to be eligible expenses and if funds are available.

3. INELIGIBLE EXPENSES

The Office shall not reimburse ineligible expenses under any circumstance. The Office shall conduct an internal review of all expenditures under this MOU and utilize historical expenditure data to verify year-over-year trends to determine eligibility of expenses and their applicability to the items listed in Appendix A.

All work is expected to be complete on or before Election Day; in no case shall work extend beyond Election Day with the exception of pollworker costs described in Appendix A, a potential recount or recheck, or any work required by a court order issued pursuant to the Election Code. If any funds remain after the completion of the Election, such funds must be returned to the Office forty-five (45) days following Election Day.

4. TERM

This Agreement shall become effective upon the final signature affixed to this Agreement and shall remain in effect until its expiration forty-five (45) days following Election Day, unless terminated pursuant to Article 7.

5. RESPONSIBILITIES

- A. **Records.** The County shall maintain all fiscal records detailing expenditures under this MOU and follow Generally Accepted Accounting Principles (GAAP), and account for all receipts and disbursements of funds transferred to the County pursuant to this MOU.
- B. **MOU Execution.** Should a MOU between the Parties fail to be finalized sixty (60) days prior to Election Day, the County shall only be reimbursed for eligible expenses as outlined in 1.10.36 NMAC and will only be reimbursed upon finalization of an executed MOU.
- C. **Reporting.** Each County shall file a report of expenditures with the Office no later than forty-five (45) days after Election Day for accounting. The report shall include a completed expenditure form provided by the Office with a description detailing the costs and their relevance to the Election. The County shall return any unused funds via physical check made out to the Office of the Secretary of State no later than forty-five (45) days after Election Day. If a County does not file expenditure reports by the deadline established in Section A of 1.10.36.10 NMAC, the County shall not be reimbursed for additional requests until the expenditure report is filed and funds become available for reimbursement.

6. LIABILITY

Each Party shall be solely responsible for liabilities due to its own violation or alleged violation of

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2024 Primary Election MOU

requirements applicable to the performance of the MOU. Neither Party shall be responsible for the other Party's acts or omissions in connection with this MOU. Any liability incurred in connection with this MOU is subject to the New Mexico Tort Claims Act, Section 41-4-1 et seq., NMSA 1978, as amended.

7. TERMINATION

Either Party may terminate this Agreement for cause or convenience by giving notice in writing to the other Party within thirty (30) days of the date of intended termination.

8. AMENDMENT

This MOU shall not be altered, changed, or amended except by a written instrument duly executed by both Parties. Any amendments shall be made in writing and shall be agreed to and executed by the respective signatories before becoming effective.

9. CONTACTS

The parties will send written notice when needed to the following individuals:

To the Office:

Justin P. O'Shea
Chief Financial Officer
New Mexico Office of the Secretary of State
325 Don Gaspar Ave, Suite 300
Santa Fe, NM 87501
justin.oshea@sos.nm.gov
505.827.3615

To the County:

Katharine E. Clark
Santa Fe County Clerk
Santa Fe County
P.O. Box 1985
Santa Fe, NM 87504
kclark@santafecountynm.gov
505.986.6280

10. MISCELLANEOUS PROVISIONS

- A. **Compliance with Laws.** The laws of the State of New Mexico will govern this MOU. The Parties shall comply with all federal and State laws, regulations, and rules applicable to the performance of this MOU and the duties hereunder.
- B. **Subsequent Terms.** This MOU supersedes and replaces all previous oral or written agreements between the Parties relating to the subject matter hereof. Furthermore, this MOU contains the entire agreement and understanding between the Parties relating to the subject matter.
- C. **Appropriations.** The terms of this MOU are contingent upon sufficient appropriations and

SFC CLERK RECORDED 05/21/2024

authorizations made by the Legislature of New Mexico.

D. **Property.** The parties understand and agree that property, if any, acquired as a result of this Agreement shall be the property of the County.

In witness whereof, this Agreement is duly executed upon the date of the last signature affixed and dated:

Maggie Toulouse Oliver

04/05/2024

Maggie Toulouse Oliver, Secretary of State
Office of the Secretary of State

Date

Peter Auh

04/04/2024

Peter Auh, General Counsel
Office of the Secretary of State

Date

Katharine E. Clark

4/4/2024

Katharine E. Clark, County Clerk or Designee
County of Santa Fe

Date

Gregory S. Snarrer

4/3/2024

Gregory S. Snarrer, County Manager
County of Santa Fe

Date

Cristella Vales

for

4.3.23

Jeff Young (or Designee), County Attorney
County of Santa Fe

Date

SFC CLERK RECORDED 05/21/2024

APPENDIX A

DESCRIPTION	STATUTORY REQUIREMENT	RELEVANT STATUTE(S)	REASONABLY INCLUDES:
Poll Workers (Election Boards; Absentee, Early and Election Day)	Each election board shall consist of a minimum of three judges (required); one presiding judge and two election judges. Election clerks can also be appointed to assist the presiding judge and election judges.	1-2-12 & 1-9-5(C), 1-2-4,1-2-5, 1-2-16,1-2-17 NMSA 1978	For all polling locations, no fewer than three judges are required to administer the election. In the case of Voter Convenience Centers (VCCs), a minimum of two ballot-on-demand stations are required per site; counties will need to plan accordingly to ensure adequate staffing to operate these systems.
Registration Officers (Same Day Registration)	During a statewide the county clerk's office or alternate voting location if the clerk has assigned an authorized deputy to serve as a registration officer at the alternate voting location.	1-4-5.7 (D), NMSA 1978	The cost of one authorized registration officer, per polling location (that is offering SDR), per day.
Interpreters	In those polling places designated by the secretary of state as being subject to the provisions of the 1975 amendments to the federal Voting Rights Act of 1965, oral assistance shall be made available to assist language minority voters who cannot read sufficiently well to exercise the elective franchise. As used in the Election Code, "language minority" means a person who is an American Indian or of Spanish heritage and "inability to read well enough to exercise the elective franchise" means inability to read the languages in which the ballot is printed or the inability to understand instructions for operating the voting machine.	1-2-19, NMSA 1978	Assisting voters who speak a language that is unwritten; precincts identified as "Native American Precincts" through the Native American Election Information Program.
Messengers	The county clerk may appoint messengers to deliver ballot boxes, poll books, keys, election supplies and other materials pertaining to the election. Messengers may also be authorized to collect absentee ballots and removable media storage devices from polling places designated by the county clerk. and deliver them to locations.	1-2-20, NMSA 1978	Individuals appointed by the clerk to serve as messengers, who comply with the requirements outlined in 1-2-20.
Election Publications	Election board standby list: Not less than twenty-one days prior to the date for appointing members of election boards, the county clerk shall publish a notice once in a newspaper of general circulation to the effect that election boards are to be appointed for the specified number of precincts, stating the number of persons composing each board and that applications for the standby list will be accepted at the county clerk's office. Notice of election: The notice of election shall be published at least once, not more than twenty-one nor less than seven days before election day. The notice of election shall be published in a legal newspaper as provided in Section 14 11 2, NMSA 1978. If no legal newspaper is published in the	1-2-9 & 1-11-3(A), NMSA 1978	Publication of the election board standby list and notice of election.

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	<p>county, the notice of election shall be published in a legal newspaper of general circulation in the county. The notice of election shall be printed in English and Spanish. The notice of election shall be broadcast on a radio station in the appropriate Native American languages in those counties affected by the federal Voting Rights Act of 1965, as amended.</p>		
<p>Polling Place Signage & Building Requirements</p>	<p>The location of each polling place within a building shall be clearly designated by appropriate signs, displayed prominently and clearly. Signs for each polling place shall be clearly displayed outside the building where polling takes place.</p>	<p>1-3-18(A), 1-22-19, NMSA 1978</p>	<p>Appropriate signage and materials used to clearly and prominently display where polling is taking place.</p>
<p>Postage</p>	<p>The Secretary of State shall deposit sufficient funds in the business reply mail account for each county clerk to ensure delivery of all mailed ballot applications and returned mailed ballots.</p> <p>The clerk shall determine the most reasonable expedited means of delivery for a ballot and balloting materials for a federal qualified elector who does not request secured electronic transmission.</p>	<p>1-6-8(A)(2); 1-6B-5(E)(2); 1-6B-7(D); & 1-6C-6C NMSA 1978</p>	<p>Postage for absentee ballots (outbound) and returned mail ballots (inbound).</p>
<p>Tabulator Delivery</p>	<p>The county clerk shall be responsible for transporting all voting systems to and from polling places. A reasonable fee may be charged by the county for the transportation and programming of the voting systems when used pursuant to Section 196, NMSA 1978, but in no case shall such fee exceed the actual cost to the county. Voting machines shall be delivered to the assigned precinct polling place at least three days before the polls are required to be opened. The election supplies and the keys of voting machines shall be delivered to the presiding judge at least one hour before the polls are required to be opened.</p>	<p>1-9-12(A)(E) & 1-11-11(A), NMSA 1978</p>	<p>Transport of voting systems to and from polling locations.</p>
<p>Office Supplies (for the Election)</p>	<p>Supplies needed for the administration of the election.</p>	<p>1-11-19(A)(2), NMSA 1978</p>	<p>Consumable office supplies required to conduct the election and post-election canvass including paper, ballot marking pens, pencils, paperclips, staples, canvas bags for ballot boxes, etc.</p>
<p>"Other"</p>	<p>N/A</p>	<p>N/A</p>	<p>Temporary election support staff <i>and/or</i> overtime (OT) for county employees, provided the OT is incurred during the conduct and administration of the Election.</p>

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Table 1: Schedule of Cost Eligibility