



# NEW MEXICO'S

## Voting Processes for Emergency Responders

Secretary Maggie Toulouse Oliver



# NMSA § 1-6B-9

Passed in 2015 & Amended in 2019



# History & Context



The Emergency Responder provision was created to ensure that emergency response providers could participate in elections while temporarily stationed away from home.

This provision has aided NM FEMA workers, fire fighters/forestry service and homeland security personnel, as well as other first responders.

EMERGENCY RESPONSE PROVIDERS.--

A. An emergency response provider may benefit from the ability to apply for ~~an~~ **a mailed absentee** ballot and to return the marked ballot in the same manner as provided in the Uniform Military and Overseas Voters Act for federal qualified electors; provided that the emergency response provider may not use the federal postcard application or the federal write-in absentee ballot.

B. The county clerk shall transmit to, receive from and process a mailed ballot of an emergency response provider in the same manner as provided in the Uniform Military and Overseas Voters Act for a federal qualified elector.

C. As used in this section, "emergency response provider" means a resident of this state who otherwise satisfies this state's voter eligibility requirements and who, in response to an emergency, is temporarily assigned by a governmental or nongovernmental relief agency or employer to provide support to the victims of the emergency or to rebuild the infrastructure in the affected area and:

- (1) the assignment is for a period beginning on or after the thirty-five days immediately prior to an election;
- (2) the affected area is outside the individual's county of residence; and
- (3) the president of the United States or the governor of a state has declared an emergency in the affected area."

# The Legislative Highlights....



**Cannot use  
FPCA form or  
FWAB ballot.**



**Must receive  
emergency response  
orders within 35 days  
of an election.**



**Must be in  
another county.**



**The emergency  
must be declared  
by the President or  
the Governor.**

# How the system works:

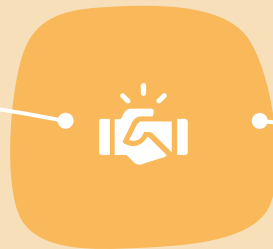
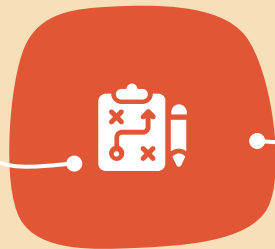


## Emergency Declared

Individual assigned within 35 days of the election.

## Request Ballot

Request Ballot using paper form or SOS online portal.



## Ballot Sent

County clerks transmit ballot and materials by mail or via secure electronic transmission.

## Ballot Returned

Must be received by county clerk no later than 7:00pm on Election Day.



## REACHING OUT

1. An Emergency is Declared.
2. SOS files Governor's executive order.
3. County clerks are made aware of the situation.
4. Ballot requests are received and processed.



# Communications with Clerks



During the 2020 Election Cycle, the SOS notified clerks immediately upon receiving public health orders from the governor's office – outlining any items that could affect the administration of the primary and general elections.

The SOS provided guidance to the clerks regarding the emergency responder provision.



# 2020 Emergency Response Providers

In New Mexico, most of these absentee applications came from first responders and other health care workers who were temporarily stationed away from their homes, tasked with providing support to our communities in response to the COVID-19 pandemic.

Election administrators across the state also received requests from individuals battling wildfires across the Southwest region.



# Areas for Improvement:



## Timely Delivery and Return of Ballot

- Delays in mail or internet connectivity limitations could impact delivery of ballot/replacement ballot, and/or return of the ballot.



## Awareness of the Provision

- More outreach to emergency response agencies can be made ahead of the 2022 Election Cycle.



# Thanks!

**Do you have any questions?**

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