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**Resolution No. 07-14-22/111-06**

**A Resolution on Election Certification**

**WHEREAS**, faith in our election process is essential to the functioning of our Republic; and

**WHEREAS**, doubts about election integrity threaten to tear our nation apart and dissuade participation in our electoral process; and

**WHEREAS**, a January 2022 poll by ABC News found only twenty percent of the public felt very confident in our election process; and

**WHEREAS**, Rasmussen polling reported in May 2022, that fifty five percent of voters believe cheating impacted the 2020 election and a significant majority believe election integrity will play an important role in the upcoming midterm elections; and

**WHEREAS**, election integrity is not a partisan issue; and

**WHEREAS**, in 2019, Democratic Senators Amy Klobuchar (D-MN), Mark Warner (D-VA), Jack Reed (D-RI) and Gary Peters (D-MI) held investigations and called attention to election security and voting machine vulnerabilities and threats; and

**WHEREAS**, the vulnerability of absentee/mail-in voting and drop boxes to fraud, forgery, coercion, and voter intimidation is well documented. In fact, the bipartisan 2005 report of the Commission on Federal Election Reform, chaired by

former President Jimmy Carter and former Secretary of State James Baker III concluded that “absentee ballots remain the largest source of potential voter fraud;” and

**WHEREAS**, New Mexico in response to the COVID-19 Pandemic adopted policies and procedures that increased the potential risk of election fraud; and

**WHEREAS**, the risk posed by the pandemic has passed, so has the need for policies that made our elections less secure; and

**WHEREAS**, concerns about election integrity and security are at all-time highs; and

**WHEREAS**, trust in election processes and procedures are at all-time lows; and

**WHEREAS**, it is the desire of the Board of County Commissioners of Otero County to improve both the actual security of elections, and the perceived security of elections in order to restore trust and confidence in our election system.

**WHEREAS**, the Board of County Commissioners of Otero County request the following actions take place in order to secure and protect the vote of every legal voter in Otero County. This is a non-partisan request which should be supported by every legal voter regardless of party affiliation. Every government official should support these measures because they are intended to strengthen the security of our elections and restore the trust of the electorate in the election process. The state of New Mexico and the Secretary of State (SoS), by this resolution, are on notice that the only way that the Board of County Commissioners of Otero County can vote in good conscious to certify the 2022 General Election is if the following requests are fulfilled. If these simple requests cannot be fulfilled the certification process should be changed so that the County Canvassing Board is not coerced by threat to certify unsecure elections under duress.

**NOW, THEREFORE BE IT RESOLVED** BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF **OTERO** that it requests the New Mexico Legislature adopt the following changes to the New Mexico Election Code and until such measures are adopted the board is in agreement that it will not certify the 2022 General Election:

1. **Prohibit the Use of Ballot Drop Boxes.** Ballot drop boxes – even those that are electronically surveilled – pose an unacceptable risk to the election process by making illegal ballot harvesting easier and should be prohibited.
2. **Transparency and Access to Dominion Voting Machines.** It is indisputable that machines and electronic systems can be remotely accessed and hacked through a number of means and methods. This is proven by ransoms paid to hackers accessing our energy and food sectors. The SoS can restore trust and confidence in voting machines through transparency by allowing them to be examined to determine if they contain network capable hardware including modems. Examination of machines should be open to independent forensic experts and elected officials.
3. **Allow Counties the Option to Hand Count Ballots.** Establishing procedures for counties to conduct hand recounts will help assuage those segments of the electorate that are distrustful of machine tabulators. Further, this action acts as check against potential bad actors seeking to manipulate election result through nefarious means.
4. **Provide County Canvassing Boards the Authority to Use Discretion When Certifying Elections.** Currently the duties of the County Canvassing Board are ministerial forcing members to certify election results

despite concerns or questions. The County Canvassing Board and the County Commissioners are the most direct representatives of their constituents.

Considering the significant portion of the electorate with doubts about the electoral process, providing for discretionary certification at the local level is a measure that can be taken to restore confidence.

**PASSED, APPROVED AND ADOPTED** this 14th day of July, 2022.

**THE BOARD OF COUNTY COMMISSIONERS OF  
OTERO COUNTY, NEW MEXICO**

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Vickie Marquardt, Chairman

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Gerald R. Matherly, Vice-chairman

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Couy D. Griffin, Commissioner

Attest: \_\_\_\_\_

Robyn Holmes, County Clerk