



STATE OF NEW MEXICO
MAGGIE TOULOUSE OLIVER
 SECRETARY OF STATE

2022 PRIMARY ELECTION

Determining Voter Intent

What constitutes a vote?

All ballots that are read by a ballot scanner shall be counted in accordance with the applicable provisions of the New Mexico Election Code. The following guidance shall apply in determining whether a ballot has been properly voted and whether a vote should be counted for any office, when counting ballots by hand. This guidance should be used in concert with *NMSA 1978, Section 1-1-5.2*, to provide statewide uniformity to election administrators in determining the “intent of the voter” to diminish the chances for voter disenfranchisement, by broadening the universe of valid ballot markings.

- As specified by the legally valid ballot instructions, a ballot that is properly marked in the target area for an office or ballot question shall be counted as a vote for that candidate or ballot response.

For Governor (vote for one)

- George Washington
- Abraham Lincoln
- John Adams

Valid Vote for Abraham Lincoln

- A ballot containing a clear mark indicating the intent of the voter, any portion of which is contained in the target area and does not enter another target area, shall be counted as a vote for that candidate or ballot response.

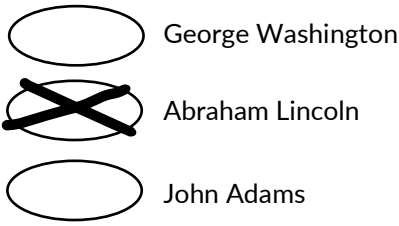
Examples:

For Governor (vote for one)

- George Washington
- Abraham Lincoln
- John Adams

Valid Vote for George Washington

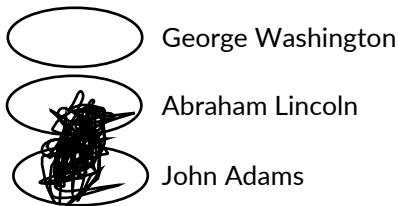
For Governor (vote for one)



Valid Vote for Abraham Lincoln

- 3.** A ballot that has any mark in the target area that partially extends into another target area (or areas) shall not be counted for that office or ballot question.

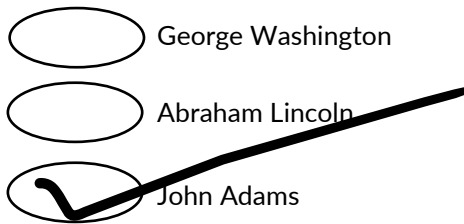
For Governor (vote for one)



Invalid Vote

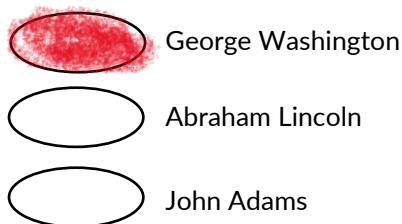
- 4.** A ballot that has any mark in the target area that partially extends into an area surrounding a candidate or ballot response, other than its target area, shall be counted as a vote for the candidate or ballot response so marked.

For Governor (vote for one)



Valid Vote for John Adams

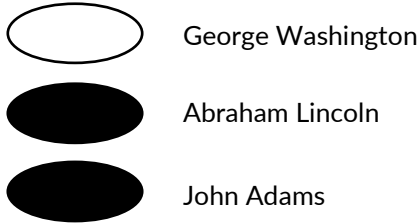
- 5.** A ballot properly marked with any device other than the marking device provided to the voter shall be counted.



Valid Vote for George Washington

6. A ballot with marks for more candidates in an office or more responses to a ballot question than permitted shall be deemed an overvote, and no vote shall be counted for that office or ballot question.

For Governor (vote for one)

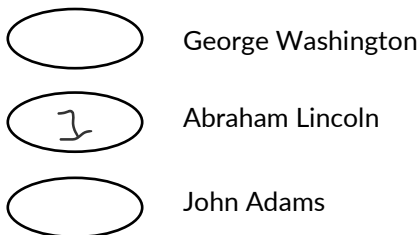


Invalid Vote

7. A ballot on which writings or remarks in the target area appear to be ranking candidates (letters, numbers, etc.) shall be considered valid marks **ONLY** if they do not exceed the number of candidates permitted to be elected for that office.

Scenario A:

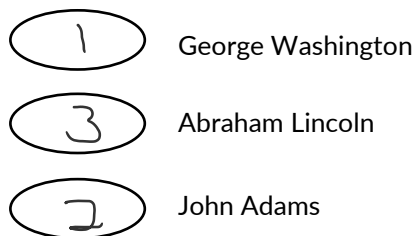
For Governor (vote for one)



Valid Vote for Abraham Lincoln

Scenario B:

For Governor (vote for one)



Invalid Vote

Scenario C:

For Governor (vote for two)

- George Washington
- Abraham Lincoln
- John Adams

Valid Votes for Abraham Lincoln & George Washington

8. A ballot with any writings or remarks regarding one or more candidates or ballot responses shall not be counted as a vote for that office or question unless clarified by an additional mark or marks in the target area(s) that indicate support for the candidate(s) or ballot response(s).

Examples:

For Governor (vote for one)

- George Washington
- Abraham Lincoln
- John Adams

Valid Vote for John Adams

For Governor (vote for one)

- George Washington **Yes!**
- Abraham Lincoln
- John Adams

Invalid Vote

9. A ballot on which the voter casts a vote on the ballot and properly writes in a different candidate in the write-in area shall be considered an overvote for that office if the number of chosen candidates exceeds the number permitted to be voted for in that office and no vote shall be counted.

Example:

For Governor (vote for one)

<input checked="" type="radio"/>	George Washington	
<input type="radio"/>	Abraham Lincoln	
<input type="radio"/>	John Adams	
<input checked="" type="radio"/>	Write-In: <table border="1"><tr><td>ALEXANDER HAMILTON</td></tr></table>	ALEXANDER HAMILTON
ALEXANDER HAMILTON		

Invalid Vote

10. A properly cast write-in vote shall contain a mark in the target area and, in the space provided, the written name of a candidate whose name does not otherwise appear on the ballot for that office.

Example:

For Governor (vote for one)

<input type="radio"/>	George Washington	
<input type="radio"/>	Abraham Lincoln	
<input type="radio"/>	John Adams	
<input checked="" type="radio"/>	Write-In: <table border="1"><tr><td>ALEXANDER HAMILTON</td></tr></table>	ALEXANDER HAMILTON
ALEXANDER HAMILTON		

Valid Vote for Alexander Hamilton

11. A vote shall be valid on a ballot on which a write-in vote does not contain a mark in the target area, but the written name of a candidate whose name does not otherwise appear on the ballot is provided.

Example:

For Governor (vote for one)

George Washington

Abraham Lincoln

John Adams

Write-In: ALEXANDER HAMILTON

Valid Vote for Alexander Hamilton

12. An abbreviation, misspelling, or other minor variation in the form of the name of a declared write-in candidate shall be accepted as a valid vote if the voter's intent is clearly discernable.

For Governor (vote for one)

George Washington

Abraham Lincoln

John Adams

Write-In: A. HAMILTON

Valid Vote for Alexander Hamilton

13. A ballot on which the voter does not mark the voting response area but instead marks the ballot in a consistent manner, such as placing a consistent mark (other than a circle) on or around a candidate's name, shall be counted as a vote for that candidate or ballot response.

Example 1

For Governor (vote for one)

George Washington

Abraham Lincoln **YES!**

John Adams

For Auditor (vote for one)

Dolly Parton

YES!

Reba McEntire

Loretta Lynn

Valid vote for Abraham Lincoln & Dolly Parton

Example 2

For Governor (vote for one)

George Washington

Abraham Lincoln



John Adams

For Auditor (vote for one)

Dolly Parton



Reba McEntire

Loretta Lynn

Valid vote for Abraham Lincoln & Dolly Parton
