

# Torrance County, NM

## 2022 Primary Election

### Informal Audit Results

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Janice Y. Barela

County Manager

October 12, 2022



# Why conduct an informal audit of the 2022 Primary Election?

Torrance  
County  
residents  
expressed  
concerns.

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# CONCERNS

- Security of ballots and votes.
- State statutes not being followed.
- Ballot tabulators not certified to VVSG 2.0.
- Ballots not numbered sequentially.
- Trust county election workers' hand tallying more than ballot tabulators.
- Requested Commission to require a hand tally to verify election results prior to certifying canvass of the 2022 Primary Election.

1                                   **TORRANCE COUNTY**  
2                                   **BOARD OF COUNTY COMMISSIONERS**  
3                                   **RESOLUTION NO. R2022- 35**

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5                   **RESOLUTION TO TAKE ALL REASONABLE AND LEGAL COUNTY ACTIONS TO**  
6                   **ENSURE THE ACCURACY AND INTEGRITY OF THE ELECTION SYSTEM FOR**  
7                   **THE CITIZENS OF TORRANCE COUNTY**

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9                   **WHEREAS**, There is no more sacred duty in the Democracy of these United States than  
10                   ensuring the conduct of fair and accurate elections; and

11                   **WHEREAS**, In the State of New Mexico, it is the duty of the Legislature and the  
12                   Secretary of State to establish, operate and oversee fair and accurate elections; and

13                   **WHEREAS**, During the 2022 Primary Election just conducted in New Mexico, a serious  
14                   question arose concerning whether the voting machines used throughout the State were properly  
15                   certified by the Secretary of State for the June 7, 2022 Election; and

16                   **WHEREAS**, Under the existing law of the State of New Mexico Election Code, the  
17                   Secretary of State shall certify all voting systems used in New Mexico Elections only if the  
18                   systems are tested by an independent authority and comply with all requirements of the Election  
19                   Code and the, “most recent voluntary voting system guidelines adopted by the United States  
20                   election assistance commission.” NMSA 1978 Section 1-9-14(A); and

21                   **WHEREAS**, In February of 2021, the Election Assistance Commission of the United  
22                   States (EAC) adopted new standards for voting systems, the Voluntary Voting System  
23                   Guidelines (VMSG 2.0). Those new standards were not used by the Secretary of State for the  
24                   2022 Primary Election; and

25                   **WHEREAS**, Citizens first raised the issue that the Secretary of State (SOS) was  
26                   violating State law, Section 1-9-14, at the Torrance County Commission Meeting on May 25,  
27                   2022, and subsequently, in individual conversations with the Commissioners, and during the

# Torrance County Resolution 2022-35

5 **NOW, THEREFORE BE IT RESOLVED:**

6 The Board of County Commissioners hereby authorizes and directs the County Manager  
7 and County Attorney to take all actions necessary and proper to ensure the integrity of elections  
8 in Torrance County with the cooperation and collaboration of the County Clerk as follows:

- 9 1. Explore all legal and cooperative remedies available to the Board to ensure the  
10 integrity of the 2022 Election and resolve the legal question of the proper certification  
11 of voting machines in New Mexico. No lawsuit shall be filed without prior Board  
12 approval; and
- 13 2. Explore all options, including litigation if necessary, for Torrance County to secure  
14 the Election returns, both electronic counters and paper ballots, to verify and audit the  
15 outcome of the 2022 Primary Election using the hand-tally method, to be conducted  
16 once the ballots are available for review by the public, as the Board desires to include  
17 the public in the audit process, and prior to the General Election to help ensure public  
18 confidence in the voting systems; and

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APPROVED AS TO FORM ONLY:

*[Signature]*  
County Attorney Date June 22, 2022

BOARD OF COUNTY COMMISSIONERS

*[Signature]*  
Ryan Schweigh, Chair, District 2  
*[Signature]*  
LeRoy M. Candelaria, Vice Chair, District 3  
*[Signature]*  
Kevin McCall, Member, District 1

ATTEST:

*[Signature]*  
Yvonne Otero, County Clerk  
Date: June 22, 2022





(AP Photo/Morgan Lee)

# New Mexico certifies primary election results after standoff

By MORGAN LEE

June 28, 2022

New Mexico Gov. Michelle Lujan Grisham, left, and Secretary of State Maggie Toulouse Oliver certify results of the state's primary election on Tuesday, June, 28, 2022, at the state Capitol in Santa Fe, N.M. The June 7 primary was nearly derailed by county officials amid voter distrust fueled by unfounded voting machine conspiracies that have spread in the U.S. Toulouse Oliver says she wants to provide better access to accurate information about the election process.

# BALLOTS - CHAIN OF CUSTODY

## Election Boards

- On June 7, 2022, after all certificates were executed, each election board placed tabulated paper ballots in a ballot box. They then closed and sealed each box with two zip ties that have serial numbers.
- Presiding Judges brought all election supplies, including the sealed ballot boxes to the County Clerk.

## Clerk Staff

- Ballot boxes are securely held in the lobby of the Assessor's Office until all boxes are received.
- Once all ballot boxes are received, the voting techs load all ballot boxes in the County Clerk's van and trailer.
- The voting techs transport the ballot boxes to the Elections Warehouse which is in Torrance County Road Yard. The warehouse has security cameras and a security system. Ballots remained in sealed ballot boxes stored in locked warehouse until after 45-day period when ballot boxes could be unsealed.

## Clerk, Deputy Clerk & Staff Member

- On August 15, 2022, the County Clerk, Chief Deputy Clerk and voting tech went to Elections Warehouse.
- They verified serial numbers, broke seals on the ballot boxes and transferred paper ballots from ballot boxes to cardboard storage/file boxes with lids.
- Then, they transported ballots to County Clerk's vault and began preparation for copying ballots.
- After copying ballots, original ballots were placed back in storage boxes and transported to secure Elections Warehouse for storage, in compliance with state statute requirement of 22-month retention.



# COPIES OF BALLOTS - CHAIN OF CUSTODY

## County Clerk

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- County Clerk attempted to place a post-it note on edge of each ballot before copying so copies could not be mistaken for original ballots; however, on some copies the edge was not covered.
- County Clerk provided 50 ballots at one time to copy.
- Original ballots, one batch at a time, were taken to the copy machine in Clerk's Office, and copies were made of each ballot.

## County Manager

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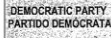
- County Manager and/or county staff verified count of each batch that the County Clerk provided.
- County Manager personally stamped each ballot copy with the word "EXCUSED".
- County Manager placed all copies of ballots in a ballot box and sealed box with same type of zip ties used as part of election process.

## Clerk Staff

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- Clerk staff transported sealed ballot box, containing copies of Primary Election ballots, to the Early Voting Location in County Administrative Office Building.
- When ballots were accessed for sorting as well as on the day of hand tally, Clerk's Office staff transported the sealed ballot box to the Commission Room and back to the Early Voting Location. Each time, serial numbers were confirmed. Copies of the ballots were never accessed by only one person at any time. Ballot box was secured with new zip ties with serial numbers every time.

OFFICIAL PRIMARY ELECTION BALLOT / BOLETA OFICIAL DE ELECCIÓN PRIMARIA  
June 7, 2022 - 7 de junio, 2022 TORRANCE COUNTY - CONDADO DE TORRANCE



INSTRUCTIONS TO VOTERS: To vote, completely fill in the oval to the LEFT of your choice, like this (●).  
INSTRUCCIONES PARA LOS VOTANTES: Para votar, rellene completamente el óvalo a la IZQUIERDA de su selección, como esto (●).

Ballot Style 01 TORR\_PCT001\_DEM

UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS DISTRICT 1 / DISTRITO 1 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> MELANIE ANN STANSBURY	JUSTICE OF THE SUPREME COURT JUEZ DE LA CORTE SUPREMA POSICION 2 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> BRIANA H ZAMORA
GOVERNOR GOBERNADOR VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> MICHELLE LUJAN GRISHAM	JUDGE OF THE COURT OF APPEALS JUEZ DE LA CORTE DE APELACIONES POSICION 1 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> GERALD EDWARD BACA
LIEUTENANT GOVERNOR TENIENTE GOBERNADOR VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> HOWIE C MORALES	JUDGE OF THE COURT OF APPEALS JUEZ DE LA CORTE DE APELACIONES POSICION 2 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> KATHERINE ANNE WRAY
SECRETARY OF STATE SECRETARIO DE ESTADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> MAGGIE TOULOUSE OLIVER	DISTRICT COURT JUDGE JUEZ DE DISTRITO 7TH JUDICIAL DISTRICT / 7º DISTRITO JUDICIAL DIVISION 02 / DIVISION 02 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> ROSCOE A WOODS
ATTORNEY GENERAL PROCURADOR GENERAL VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> BRIAN S COLÓN	MAGISTRATE JUDGE JUEZ MAGISTRADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> BOBBY L GARCIA
<input type="radio"/> RAÚL TORREZ	
STATE AUDITOR AUDITOR DE ESTADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> ZACKARY A QUINTERO	
<input type="radio"/> JOSEPH M MAESTAS	
STATE TREASURER TESORERO DE ESTADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> LAURA M MONTOYA	
<input type="radio"/> HEATHER R BENAVIDEZ	
COMMISSIONER OF PUBLIC LANDS COMISIONADO DE TIERRAS PUBLICAS VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> STEPHANIE GARCIA RICHARD	
STATE REPRESENTATIVE REPRESENTANTE DE ESTADO DISTRICT 22 / DISTRITO 22 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> AUGUSTINE N MONTOYA	
JUSTICE OF THE SUPREME COURT JUEZ DE LA CORTE SUPREMA POSICION 1 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> JULIE J VARGAS	

*Copy of  
Audit  
Report  
QJB*

Excused

OFFICIAL BALLOT - County Clerk/Escribano del Condado: *[Signature]* LEGEND: LEYENDA: DEMOCRATIC DEMOCRATA

OFFICIAL PRIMARY ELECTION BALLOT / BOLETA OFICIAL DE ELECCIÓN PRIMARIA  
June 7, 2022 - 7 de junio, 2022 TORRANCE COUNTY - CONDADO DE TORRANCE



INSTRUCTIONS TO VOTERS: To vote, completely fill in the oval to the LEFT of your choice, like this (●). To vote for a declared write-in candidate, write the person's name in the write-in space and fill in the oval.  
INSTRUCCIONES PARA LOS VOTANTES: Para votar, rellene completamente el óvalo a la IZQUIERDA de su selección, como esto (●). Para votar por escrito por un candidato declarado, escriba el nombre de la persona en el espacio de votación por escrito y llene el óvalo.

Ballot Style 02 TORR\_PCT009\_LIB

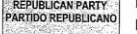
GOVERNOR GOBERNADOR VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> KAREN EVETTE BEDONIE
<input type="radio"/> Write In Por Escrito
LIEUTENANT GOVERNOR TENIENTE GOBERNADOR VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> TRAVIS STEVEN SANCHEZ
SECRETARY OF STATE SECRETARIO DE ESTADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> MAYNA ERIKA MYERS
STATE AUDITOR AUDITOR DE ESTADO VOTE FOR ONE / VOTE POR UNO <input type="radio"/> Write In Por Escrito
JUDGE OF THE COURT OF APPEALS JUEZ DE LA CORTE DE APELACIONES POSICION 1 VOTE FOR ONE / VOTE POR UNO <input type="radio"/> Write In Por Escrito
JUDGE OF THE COURT OF APPEALS JUEZ DE LA CORTE DE APELACIONES POSICION 2 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> STEPHEN P CURTIS

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Report  
QJB*

Excused

OFFICIAL BALLOT - County Clerk/Escribano del Condado: *[Signature]* LEGEND: LEYENDA: LIBERTARIAN LIBERTARIA

OFFICIAL PRIMARY ELECTION BALLOT / BOLETA OFICIAL DE ELECCIÓN PRIMARIA  
June 7, 2022 - 7 de junio, 2022 TORRANCE COUNTY - CONDADO DE TORRANCE



INSTRUCTIONS TO VOTERS: To vote, completely fill in the oval to the LEFT of your choice, like this (●). To vote for a declared write-in candidate, write the person's name in the write-in space and fill in the oval.  
INSTRUCCIONES PARA LOS VOTANTES: Para votar, rellene completamente el óvalo a la IZQUIERDA de su selección, como esto (●). Para votar por escrito por un candidato declarado, escriba el nombre de la persona en el espacio de votación por escrito y llene el óvalo.

Ballot Style 03 TORR\_PCT001\_REP

UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS DISTRICT 1 / DISTRITO 1 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> LOUIE SANCHEZ	JUSTICE OF THE SUPREME COURT JUEZ DE LA CORTE SUPREMA POSICION 2 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> KERRY J MORRIS
<input type="radio"/> MICHELLE GARCIA HOLMES	JUDGE OF THE COURT OF APPEALS JUEZ DE LA CORTE DE APELACIONES POSICION 1 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> BARBARA V JOHNSON
GOVERNOR GOBERNADOR VOTE FOR ONE / VOTE POR UNO <input type="radio"/> JAY C BLOCK	JUDGE OF THE COURT OF APPEALS JUEZ DE LA CORTE DE APELACIONES POSICION 2 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> GREGORY JOSEPH ZANETTI
<input type="radio"/> REBECCA L DOW	<input type="radio"/> ETHEL R MAHARG
<input type="radio"/> MARK V RONCHETTI	<input checked="" type="radio"/> GERTRUDE LEE
LIEUTENANT GOVERNOR TENIENTE GOBERNADOR VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> AN T L THORNTON	PUBLIC EDUCATION COMMISSIONER COMISIONADO DE EDUCACION PUBLICA DISTRICT 3 / DISTRITO 3 VOTE FOR ONE / VOTE POR UNO <input type="radio"/> Write In Por Escrito
<input type="radio"/> PEGGY L MULLER-ARAGON	MAGISTRATE JUDGE JUEZ MAGISTRADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> AUDREY TRUJILLO
<input checked="" type="radio"/> AUDREY TRUJILLO	<input checked="" type="radio"/> CRAIG M DAVIS
ATTORNEY GENERAL PROCURADOR GENERAL VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> JEREMY MICHAEL GAY	COUNTY SHERIFF ALGUACIL DEL CONDADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> DAVID E FRAZEE
<input checked="" type="radio"/> JEREMY MICHAEL GAY	<input type="radio"/> PETE G GOLDEN
STATE TREASURER TESORERO DE ESTADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> HARRY B MONTOYA	<input type="radio"/> JOSE MARTIN RIVERA
COMMISSIONER OF PUBLIC LANDS COMISIONADO DE TIERRAS PUBLICAS VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> JEFFERSON L BYRD	COUNTY ASSESSOR ASESOR DEL CONDADO VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> JESUS M LUCERO
STATE REPRESENTATIVE REPRESENTANTE DE ESTADO DISTRICT 22 / DISTRITO 22 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> STEFANI LORD	PROBATE JUDGE JUEZ DE SUCESIONES VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> JOSIE B CHAVEZ
JUSTICE OF THE SUPREME COURT JUEZ DE LA CORTE SUPREMA POSICION 1 VOTE FOR ONE / VOTE POR UNO <input checked="" type="radio"/> THOMAS C MONTOYA	

*Copy of  
Audit  
Report  
QJB*

Excused

OFFICIAL BALLOT - County Clerk/Escribano del Condado: *[Signature]* LEGEND: LEYENDA: REPUBLICAN REPUBLICANO

# HAND TALLY

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## Prior to Hand Tally

- On September 7, 2022, in preparation for hand tallying scheduled for the following day, Chief Deputy Clerk, County Manager and a member of the press unsealed the ballot box and removed copies of ballots. County Manager confirmed serial number prior to unsealing.
- They separated ballots by precinct (1-22).
- Then within each precinct, ballots were separated by party.
- Copies of ballots were then placed back in ballot box, sealed again, and taken back to Early Voting Location.

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## Election Workers and Volunteers

- 18 Experienced election workers
- 2 Volunteers
- 5 Tables
- 4 Per table
- Observers in attendance

# AUDIT ELECTION WORKERS

Annette Luna

Mackenzie Carlson

Alanna Chavez-Mitchell

Marina Garley

Bernice Chavez

Marla Lovato

Betty Cabber

MaryAnn Anaya Gordon

Danielle Johnston

Naomi Villafuerte

Janet Douglas

Sandra Ness

Jerika Smythe

Senaida Chavez-Anaya

Joanne Romero

Shari Thigpen

Joyce Garcia

Tanya Lucero

Julie Murray

Viola Chavez



# Results...

# PRECINCTS

- |    |             |    |                   |
|----|-------------|----|-------------------|
| 1  | Estancia    | 12 | Duran             |
| 2  | Estancia    | 13 | Moriarty          |
| 3  | Torreon     | 14 | McIntosh          |
| 4  | Manzano     | 15 | Moriarty/McIntosh |
| 5  | Edgewood    | 16 | Tajique           |
| 6  | Moriarty    | 17 | Edgewood          |
| 7  | McIntosh    | 18 | Moriarty          |
| 8  | Willard     | 19 | Moriarty          |
| 9  | Mountainair | 20 | Moriarty/Edgewood |
| 10 | Mountainair | 21 | Moriarty/Edgewood |
| 11 | Encino      | 22 | Moriarty          |

# ABSENTEE BALLOTS – VOTES CAST IN ERROR

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- One Absentee Ballot Envelope did not have a signature.
- Husband and wife filled out and signed each other's Absentee Ballot Envelope.
- One Absentee Ballot did not have correct address. A note was written on it stating that they called the voter, and she provided her correct address over the phone.



# IN EVIDENCE

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- October 11, 2022, after recount of original ballots, Chief Deputy Clerk and County Manager coordinated with Sheriff's Office to enter into evidence all SD cards from ballot tabulators, a total of 24 (two for each tabulator).
- October 19, 2022, after second recount of original ballots, County Manager attempted to coordinate with Sheriff's Office to enter into evidence all original paper ballots. Chief Deputy Clerk would not release ballots to Sheriff's Office, stating ballots must remain in Clerk's custody.
- File boxes containing paper ballots were sealed with tape and initialed by two individuals, after second recount, to maintain chain of custody of paper ballots.

# Thank you.

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Janice Y. Barela

[jbarela@tcnm.us](mailto:jbarela@tcnm.us)

505.544.4700

