

# County of Bernalillo

## State of New Mexico

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February 7, 2006

Mr. Jim Noel  
New Mexico Judicial Standards Commission  
PO Box 27248  
Albuquerque NM 87125-7248

### ELECTRONIC MAIL TRANSMISSION ONLY

Dear Mr. Noel:

Regarding the New Mexico State Senate Rules Committee hearing held yesterday, February 6, 2006, at 8:30am: new evidence related to the AutoMark electronic ballot marking apparatus and the M-100 precinct tabulator unit [both represented by Elections Systems and Software (ES&S)] was introduced and discussed:

1. The Florida Secretary of State did not certify the AutoMark due to the apparatus' inability to mark a two or three page ballot.
2. The M-100 ES&S precinct tabulator can hold up to ten ballot combinations per unit in theory.

With this new information, it is evident that in Bernalillo County's early voting locations we would require, in a General Election, 43 M-100 voting tabulators identified by a range of precincts. Bernalillo County has 13 early voting locations as required by State Election Law. This means for a General Election, [based on 423 precincts and seven split precincts equaling 430 precincts or ballot combinations to accommodate the Albuquerque Metropolitan Flood Control Authority (AMAFCA)], Bernalillo County will require 559 M-100 voting tabulators to administer early voting in Bernalillo County. Each M-100 voting tabulator will need to be distinguished with a sign representing the ten ballot combinations or precincts that it is coded to tabulate.

For a Primary Election, the ballot combinations will double for two major political parties. Instead of having 423 combinations, Bernalillo County will require 846 ballot combinations; meaning that we will require 85 M-100 voting tabulators at each early voting site. For 13 early voting sites in the Primary Election, Bernalillo County will require 1,105 M-100 voting tabulators to administer early voting. For each major political party represented on the Primary Election ballot, Bernalillo County will require 423 M-100 voting tabulators. Each M-100 voting tabulator

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will need to be distinguished with a sign representing the ten ballot combinations or precincts and the political party that it is coded to tabulate.

For the AutoMark to be used at each early voting location in Bernalillo County with an M-650 central count voting tabulator would negate the process of a voter being able to mark, verify and feed their ballot into the voting tabulator. All central count tabulators are designed to stack up a large number of ballots for the purpose of tabulation. This scenario will jeopardize the secrecy of the voter's ballot choices.

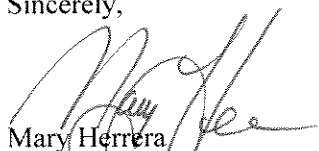
As we understand after speaking with election representatives from Contra Costa County and Sacramento County in California who use the AutoMark and M-100 voting system, both counties have been very clear that the more ballot combinations that are coded into the system, the slower the AutoMark is in finding the voter's ballot combination when inserting their ballot for voter assist marking.

In addition, we do understand that the M-100 may not be able to accommodate Bernalillo County's General Election ballot, and the ballot may have to split into two ballots for each voter. We have contacted the Secretary of State's office for clarification.

If the M-100 voting tabulator does not hold Bernalillo County's ballot and cause a split ballot for each voter, this would cause voter confusion and jeopardize ballot accountability. I would encourage you to do everything you can to keep the ballot inclusive. This would allow for accurate tracking and tabulation in the recount procedure. This is my last attempt to advise you of the numerous difficulties Bernalillo County will face with a large ballot if the State approves the AutoMark and M-100 voting for election day and early voting.

I am recommending that if New Mexico moves to an all paper ballot voting system, the state should consider all elections be conducted by mail. The Help America Vote Act (HAVA) does require jurisdictions with all mail ballot elections to have a central location for those voters who require a HAVA compliant voting system to cast their ballot. For Bernalillo County, I would recommend setting up more than one location for this purpose.

Sincerely,



Mary Herrera  
Bernalillo County Clerk

Electronic Copies: Bill Richardson, Governor  
Diane Denish, Lt. Governor  
Patricia Madrid, Attorney General  
Bernalillo County Commission  
Gustavo Cordova, Association of Counties