



October 30, 2014

*By Email and First-Class Mail*

Dianna J. Duran  
New Mexico Secretary of State  
New Mexico Capitol Annex North  
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*By email and U.S. Postal Service*

Re: Compliance with the National Voter Registration Act

Dear Secretary Duran:

Earlier this year, we corresponded with Secretary Padilla, the Attorney General's Office and counsel for the Motor Vehicles Division ("MVD") of the Taxation and Revenue Department about our concerns regarding changes to MVD's voter registration procedures. With the election upon us, we are writing to confirm that the remedial measures that Secretary Padilla described in her letter of June 10, 2014 are being implemented so that each eligible New Mexican who sought to register to vote at the MVD during January 1, 2014 through June 2, 2014, is able to cast a ballot that counts. A copy of the June 10, 2014 letter is enclosed.

Crucially, this June 10<sup>th</sup> letter stated that MVD had discontinued its online voter registration pilot program as of June 2, 2014 and generated a list of all the individuals who both conducted MVD transactions covered by the NVRA between January 1, 2014 and June 2, 2014 and indicated they wanted to register to vote. According to the letter, after consulting with the Attorney General's office, you committed that each of these individuals, if otherwise eligible, would be able to vote provisionally and have their ballot count. Specifically, you promised to undertake the following process: all individuals who (1) applied for a driver's license or state identification card (including renewals) or applied to change their address at a MVD facility between January 1, 2014 and June 2, 2014, and (2) indicated that they wished to register to vote but did not complete a voter registration application, will be offered a provisional ballot when they go to a polling place or apply to vote absentee by mail. You further indicated that such voters will then be entered into the voter file using the voter registration form on the provisional ballot envelope, and their provisional ballots will be counted.<sup>1</sup>

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<sup>1</sup> It is unclear whether the 7,131 individuals you identified as already registered among those who completed a MVD transaction during the relevant time period and indicated that they wanted to

As both the MVD and your office have recognized previously, it is critical that systemic errors not be permitted to deprive New Mexicans of their fundamental right to vote. Please provide confirmation that the promised remedial measures have been implemented, as well as a copy of any written instructions provided to county election officials implementing those measures.

Sincerely,

-S-

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Enclosure

cc: Demesia Padilla  
Secretary, New Mexico Taxation & Revenue Department

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register to vote included individuals who intended to update their voter registration to reflect a new address. It is possible that despite being registered, some of the 7,131 individuals may not be registered at their current address and will be unable to vote a regular ballot. You have pledged that each of the 15,198 individuals who indicated they wanted to register to vote will be able to cast a provisional ballot that will be counted if they are unable to vote a regular ballot on Election Day and are eligible. That commitment must include those who sought to update their address at the MVD during the period January 1, 2014 and June 2, 2014.