

Public Comment for Upcoming Commission Meeting

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Comments:

TO THE SANDOVAL COUNTY BOARD OF CANVASS. Canvassing of the 2023 Local Election
Public Comment by Ramona Goolsby

Did you know that during the “official canvass” of an election, the county canvassing board, upon written request of any candidate in the election or upon receipt of a written petition of twenty-five voters of the county, shall make, in the presence of the district judge, a recheck and comparison on the results shown on the official returns being canvassed with the results appearing on the alphanumeric printout of the contest, candidates and vote totals of each voting machine used in the election, NMSA (1978) 1-13-9 (A).

The necessary corrections, if any, shall be made on the returns, and the results of the election, as shown by the recheck and comparison, shall be declared, NMSA (1978) 1-13-9 (B)

Nowhere in this statute does it say that the Canvassing Board must certify if there is question about the accuracy of the returns by a candidate or by the people. It says the county canvassing board ... shall make ... a recheck and comparison on the results shown on the official returns being canvassed Now, there are requirements for this recheck to be triggered, either a candidate or 25 voters of the county can initiate a petition, but we have been told the County Canvassing Board has “no power to question or investigate. A recheck and comparison is an investigation, and the statute states you can do it if 25 people petition the board.

The problem I have with most of the Sandoval County Commission is they look for ways to avoid acting on constituent’s requests instead of finding ways to support constituents with actionable items. During the 2022 primary, why didn’t the county commissioners inform the people of the process of initiating a “recheck” that could have been done prior to the certification of the canvass? At that time the cost was only \$10.00 per machine. The Secretary of State has since changed the language and we do not know exactly what that cost is right now. The point is, it is an option, an actionable item that can be done during the canvass and prior to certification.

During the 2022 general election the county canvass was not accurate. They were off by over 300 votes. Instead of waiting for an accurate count, the County Canvassing Board voted 4-1 to approve the canvass. The 2022 results have still not been corrected. The people could have petitioned for a recheck if the commission had informed their constituents.

The county attorney states the Board of Canvass has no power to “look behind the returns”. They hide behind the Writ of Mandamus filed by the SOS that states approving the canvass is a “non-discretionary duty”, the equivalent of being the “yes man”. Why was this not challenged by the counties? The taxpayers requesting the canvass be reviewed, pay the salary of the attorneys that work for the county. All we ask is that there is at least a vague appearance of the county officials taking action of behalf of the people.

1-10-12 NMSA (1978) “Paper ballots shall (A). be numbered consecutively; (B) be uniform in size; (C) be printed on good quality white paper; (D) be printed in plain black type; (E) have the precinct numbers printed on each paper ballot; and (F) be in the form prescribed by the Secretary of State. They are supposed to be numbered consecutively to aid in the auditability and accountability of the system. I did not see any consecutive numbers on the ballots I printed as required by statute. Perhaps I just didn’t know where to look.

I am going to go back to the basic point that is still true. Even though they changed the statute during the 2023 legislative session to state "A voting system that does not comply with all requirements in the Election Code and the most recent voluntary voting system guidelines adopted and implemented by the United States election assistance commission shall be decertified for use in this state". The system is not certifiable by statute.

Election system according to 1-9-1 (B) NMSA 1978 means a combination of mechanical, electromechanical or electronic equipment, including the software and firmware required to program and control the equipment, that is used to cast and count votes, and also including any type of system that is designed to print or to mark ballots at a polling location; equipment that is not an integral part of a voting system but that can be used as an adjunct to it is considered to be a component of the system". This included SERVIS (the election system) which has never been certified/tested by an outside lab, the e-Poll books were last tested in 2011 and the Dominion system was last tested in 2017 to the VVSG version 1.0 which wasn't even the most current one at that time. They have adopted and implemented the VVSG version 2.0. There are labs that can test to the current standard.

So, what do we do about the political theater that is going to be played on November 17th? It is theater. They have already communicated the outcome in some clever way. I often tell people going to the county commission meeting is free entertainment. I think it is better than Jerry Springer. I have people tell me they are glad that someone takes the time to go and stand up. That is nice but I tell them I wish they would go as well. I have had guests tell me the commissioners appear disinterested in the people's opinions and are even rude during public comments because they are playing on their phones. Here we are again, another wink, nod and finally a yea, the motion to certify passes.

Sincerely,
Ramona Goolsby