

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 34 VOTING SYSTEMS STORAGE, CUSTODY AND MAINTENANCE

1.10.34.1 ISSUING AGENCY: Office of the Secretary of State.
[1.10.34.1 NMAC - N, 10/1/2011]

1.10.34.2 SCOPE: This rule applies to all counties in New Mexico using state or county-owned voting systems in the conduct of elections held pursuant to the provisions of the New Mexico Election Code (Chapter 1, Articles 1 through 24, NMSA 1978.
[1.10.34.2 NMAC - N, 10/1/2011]

1.10.34.3 STATUTORY AUTHORITY: Election Code, Section 1-2-1 NMSA 1978; Section 1-9-7.6, NMSA 1978.
[1.10.34.3 NMAC - N, 10/1/2011]

1.10.34.4 DURATION: Permanent.
[1.10.34.4 NMAC - N, 10/1/2011]

1.10.34.5 EFFECTIVE DATE: October 1, 2011 unless a later date is cited at the end of a section.
[1.10.34.5 NMAC - N, 10/1/2011]

1.10.34.6 OBJECTIVE: The purpose of this rule is to provide specifications for the storage, custody and maintenance of voting systems used by New Mexico counties.
[1.10.34.6 NMAC - N, 10/1/2011]

1.10.34.7 DEFINITIONS:

- A. “Adequate security”** means security commensurate with the risk and the magnitude of harm resulting from the loss, misuse, unauthorized access to, or modification of, information.
 - B. “Election officials”** means a group of people associated with election administration, including county clerk’s staff, precinct board members, voting system technicians and those responsible for the installation, operation and maintenance of voting systems.
 - C. “Primary election”** means the election held in each county of the state on the first Tuesday after the first Monday in June of each even-numbered year.
 - D. “Storage facility”** means an enclosed, temperature-controlled structure, or portion of a structure, providing for secure storage and retrieval of state or county-owned voting systems.
 - E. “Voting system”** means a system, whether state or county owned, as defined in Section 1-9-1 NMSA 1978, as it may be from time to time amended. A voting system does not include storage bins.
 - F. “Voting system technician”** means any person who is trained and certified to program, inspect, properly store and troubleshoot voting systems.
- [1.10.34.7 NMAC - N, 10/1/2011]

1.10.34.8 SECURITY REQUIREMENTS:

- A. The storage facility used for county storage of voting systems shall employ a sign-in and sign-out sheet to document each individual entering or leaving the facility, to include election officials.**
- B. Unless located in a secure, locked area in the county clerk’s office, the storage facility used for county storage of voting systems:**
 - (1) shall be provided with an intrusion detection alarm system and a video surveillance system meeting ISO or ANSI standards; and**
 - (2) shall be provided with exterior lighting of sufficient intensity to afford observers immediate recognition of illegal acts such as breaking and entering or unauthorized removal of equipment during non-working hours; switches for exterior lights shall be installed only in the interior of the building; exterior lights shall be protected from damage or replaced if damaged within 72 (seventy-two) hours of such occurrence; and**
 - (3) shall have access doors for the storage facility constructed of materials that will render forcible entry extremely difficult in a period of 5 minutes;**
 - (4) in addition, the county clerk shall limit unescorted access to the storage facility to election**

officials, individuals authorized by the county clerk and those individuals permitted access under the provisions of the New Mexico Election Code (Chapter 1, Articles 1 through 24, NMSA 1978); and

(5) the county clerk and county clerk staff shall have unlimited access to the storage facility and access shall not be controlled by any third party.

C. During transit from the storage facility to or from a polling place, vehicles transporting voting systems shall not be left unlocked if unattended. Moving companies contracted with by a county for the transport of voting systems shall be insured and bonded.

D. The storage facility shall include a locked and restricted access area for removable storage media devices, which will preserve the integrity of the devices. If the voting system's removable storage media devices are to be programmed outside of the storage facility, chain of custody documentation shall be preserved by the county clerk.

E. The board of county commissioners shall be responsible for the costs of the security requirements associated with properly storing state or county-owned voting systems in the custody of the county clerk.
[1.10.34.8 NMAC - N, 10/1/2011]

1.10.34.9 ENVIRONMENTAL REQUIREMENTS:

A. Voting systems shall be stored at a temperature range from 32° to 100° fahrenheit with humidity levels from 40-55%, except for brief seasonal variations.

B. The storage facility shall be free of debris, dust, vermin and vibration, not to exceed federal standards for voting systems.

C. Voting systems shall be provided with dust and moisture proof covers.

D. Voting systems which are stacked for storage shall not exceed manufacturers' height recommendations for stacking.

E. The storage facility shall be provided with sufficient electrical power to permit simultaneous battery charging of all voting systems stored at the facility.

F. The board of county commissioners shall be responsible for the costs of the environmental requirements associated with properly storing state-owned voting systems in the custody of the county clerk.
[1.10.34.9 NMAC - N, 10/1/2011]

1.10.34.10 MAINTENANCE REQUIREMENTS:

A. County clerks and county voting machine technicians shall be responsible for keeping all machines free of dust, adjustment of wheels and screws on the outside of the voting system and performing other maintenance as trained and directed by the secretary of state.

B. County clerks and county voting machine technicians shall be responsible for ensuring that all machines are stored with a full battery charge and recharged according to the schedule recommended by the manufacturer or vendor.

C. County clerks and county voting machine technicians shall be responsible for ensuring that all removable storage media devices have a sufficient supply of replacement batteries.

D. The secretary of state shall contract with a company authorized to perform intensive maintenance between 100 and 45 days prior to each primary election.
[1.10.34.10 NMAC - N, 10/1/2011]

HISTORY OF 1.10.34 NMAC: [RESERVED]