



New Mexico

*Help America Vote Act
(HAVA) Complaint
Process Guide*

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State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

This guide was last updated on 03/07/2024.

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What is the Help America Vote Act (HAVA)?

[Link to HAVA Statute](#)

[Link to Election Assistance Commission](#)

According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

[Link to Form](#)

Individuals wishing to file a complaint for an alleged violation of the Help America Vote Act (HAVA) should use the [HAVA administrative complaint form](#) provided by the Secretary of State's office or local election officials. Complaints are required to be in writing and signed under oath by the person filing the complaint (complainant). Anyone requiring additional assistance with filing a HAVA Title III complaint may contact Ethics at sos.ethics@sos.nm.gov.

How do I file a non-HAVA election complaint?

[Link to Process](#)

[Link to Form](#)

The New Mexico Secretary of State's Office is charged with investigating complaints related to elections and ethics under New Mexico law. Statutory authority to investigate is limited to the following portions of state and federal law:

- Election Code and Campaign Practices (Chapter 1 NMSA);
 - Local Election Act (Chapter 1, Article 22 NMSA);
 - Lobbyist Regulation Act (Chapter 2, Article 11 NMSA);
 - Governmental Conduct Act (Chapter 10, Article 16 NMSA);
 - Financial Disclosure Act (Chapter 10, Article 16A NMSA); and
- Public Law 107-252, Help America Vote Act of 2002 ("HAVA").

If you believe your complaint falls under the authority of the NM Secretary of State's Office, please submit your complaint, in writing, on the [Complaint Form](#).

Who can I contact regarding an election related complaint?

Secretary of State—Bureau of Elections, Ethics Division	
Physical Address:	Bureau of Elections, Ethics Division 325 Don Gaspar, Suite 300 Santa Fe, NM 87501
Mailing Address:	325 Don Gaspar, Suite 300 Attn: Bureau of Elections, Ethics Division Santa Fe, NM 87501
Phone Number:	505-827-3600 (option 2)
Fax Number:	505-827-8403
Email Address:	sos.ethics@state.nm.us
Website:	https://www.sos.nm.gov/voting-and-elections/voter-information-portal-nmvote-org/election-ethics-and-voter-complaints/
County Clerks:	https://www.sos.nm.gov/voting-and-elections/voter-information-portal-nmvote-org/county-clerk-information/