



STATE OF NEW MEXICO
DIANNA J. DURAN
SECRETARY OF STATE

November 4, 2011

Dear Clerks,

As you all know, we in the Office of the Secretary of State (SOS) continue to work on verification of our voter file to ensure the accuracy of our database. Many counties have diligently and continuously followed procedures to attempt to maintain accurate files at the local level. We are aware of those efforts and appreciate the hard work of those clerks and their staffs.

In addition to the ongoing work at the local level, one of our goals at the SOS has been to initiate a comprehensive *statewide* effort that will ensure integrity in our electoral system. Among the procedures to be followed will be the correction of voter files, verification of voter registration, and the identification of ineligible voters. We want to assist in any way we can with these procedures, in keeping with our statutory duty to maintain the statewide voter file.

Unfortunately, according to the Department of Justice (DOJ), in both 2007 and 2009 New Mexico failed to comply with the National Voter Registration Act (NVRA) confirmation process that would have allowed us to conduct statewide purges of inactive and ineligible voters in both 2011 and 2013. According to DOJ, we are the only state that failed to comply with those procedures. We are committed to bringing our state into compliance; however, due to those earlier failures to follow the law, a purge cannot be conducted until 2015. Meanwhile we will be working with an inflated and inaccurate data base.

As frustrating as this situation may be, all we can do in the meantime is work diligently to ensure that our statewide data base is as accurate as we can make it. With that goal in mind, I am sending the following information to you today in an effort to inform you of some of the issues we have been dealing with over the past few months. Considering that this kind of information is directly related to the conscientious work you are engaged in every day, I wanted to send this letter to you prior to any formal correspondence I will be having with the Attorney General (AG), legislators, or the media.

We have come to a point in our review that requires us to send certain information to the Attorney General. We are sending a letter to the Attorney General with information this office has received regarding non-citizens who have been registered to vote in our state - one who has been voting for many years, and one who is registered but has not voted. Both of these individuals have voluntarily notified my office of their situations and have had their names removed from the voter file at their request through their county clerk's office. As required under state law, I am referring this information to the Attorney General.

In addition to the above letter being sent to the AG, beginning on Monday, November 7, we will be sending letters to a number of individuals who appear to have irregularities in their voter information and we will be asking that they complete new registration applications. A copy of the letters sent to voters in your individual counties will also be sent to you for your review.

Also, at the request of the Courts, Corrections and Criminal Justice interim committee members, we will be sending a report of our review of the voter file to all 112 legislators, hopefully by next Wednesday, November 9. We will be e-mailing each of you a copy of that report on that day as well.

Finally, I know that many of you have been concerned about discussions I have had regarding records we have discovered of deceased voters who are still shown as active. We did not want to send these names to each of you without the necessary supporting documentation that would allow you to take appropriate action. We are working with the Vital Records Office (VRO) to verify those records and to obtain documentation to send to you to authorize the removal of the names of those deceased voters. Concurrently, we have conducted an investigation to determine why you have not been receiving correct notification and complete documentation of deceased voters. It appears, in working with Election Systems and Software (ES&S), that there has been a long-time problem with the monthly lists of deceased voters received from VRO and processed through Agency Central. We are working with ES&S and VRO to correct this problem.

My objective in communicating this information to each of you today is that you will be informed of our actions on these issues prior to any questions that may arise. Please know that I very much appreciate the work you do day in and day out. I also know that I can count on your continued dedication to these tasks as we move forward in the process of establishing the accuracy of our statewide voter database and ensuring the integrity of New Mexico's electoral system.

Thank you again for all you do. Please don't hesitate to call on any issue of concern to you.

Best Regards,

A handwritten signature in cursive script, reading "Dianna J. Duran". The signature is written in black ink and is positioned above the printed name.

Dianna J. Duran

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