

## **Proposed New Rule: Article I, Rule 5.6 – Absentee Balloting**

*February 25, 2020*

### **ARTICLE I – GENERAL PARTY INFORMATION**

#### **Section 5 – Elections and Voting**

##### **5.6 – Absentee Balloting**

The following state and county bodies may conduct certain votes and elections using absentee balloting processes, if absentee balloting is deemed advisable by those persons who are authorized in these Rules to call a meeting of the body:

- State Executive Committee
- State Central Committee
- State standing committees and Judicial Council
- DPNM State and County Caucuses and affiliated organizations
- County Executive Committees
- County Central Committees
- County standing committees

The Chair or body that authorizes the absentee balloting shall designate an administrator to manage the absentee balloting process.

All absentee balloting is conducted by non-secret ballot. Absentee balloting is defined as “taking action by written ballot outside of a meeting.”

At a minimum, the absentee balloting procedures and technology used must provide the following features and safeguards:

- ballot security
- adequate notification to all electors
- adequate education for all electors
- access to the absentee balloting process for all electors
- secure and replicable counting of ballots
- timely certification, reporting, and recording of the absentee balloting results

##### **5.6.1 – Ballot Security**

The processes and technology used for absentee balloting shall assure the following:

- Only eligible voters (qualified electors) are able to vote.
- No person can vote more than once.
- No proxy voting is allowed or accepted.
- Because absentee balloting is for non-secret votes, each recorded ballot shall include uniquely identifying information for the person casting that vote. Who voted, and who did not vote, is a public record, to be preserved for a minimum of ninety (90) days.
- An elector can change their own vote before it is cast.

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- Once a ballot is cast, neither the elector nor anyone else, nor anything else, can change the vote on that ballot.
- Once a ballot is cast, a confirmation receipt of the ballot shall be returned to the elector. The confirmation receipt includes a record of the vote(s) on the ballot.

### **5.6.2 – Adequate Notification to All Electors**

No less than 10 days before the voting period opens, the administrator shall send to all qualified electors a notification about the time period for voting (opening and closing dates and times). The primary notification method shall be by email. For those electors who do not have email access, notification shall be by telephone call, or postcard, or other means as necessary.

No less than 24 hours before the voting period closes, the administrator shall, to the best of their ability, make reasonable efforts to notify all qualified electors who have not yet voted that the voting period will be closing (and when).

### **5.6.3 – Adequate Education to All Electors**

No less than 20 days before the voting period opens, the administrator shall send to all electors information about the content of the upcoming absentee-balloting procedure:

- List of candidates for election to positions, optionally to include candidate statements
- Proposed Rules amendments, including a copy of the old rule (if it exists) and the proposed amendment for comparison, and optionally including a statement from the Rules committee explaining the reasons for the proposed amendment
- Motions for Judicial Council action(s) or recommendations, including supplementary material deemed to be relevant by the Judicial Council in deliberating a rule interpretation, or a complaint of discrimination or harassment made under **Article I, Rule 3.4.4**.
- Appeal of a Judicial Council decision to the State Central Committee, including materials used in the original Judicial Council deliberations and materials submitted with the appeal of the Judicial Council's decision.

For proposed Rules amendments, the administrator shall schedule a public comment period (minimum two weeks) before the voting period. The Rules Committee shall have the option to review public comments before the voting period opens. The administrator may optionally schedule online workshops to explain proposed Rules amendments to electors (with telephone call-in capability for those electors who do not have internet access).

### **5.6.4 – Access to the Balloting Process for All Electors**

The primary method for absentee balloting shall incorporate electronic voting by way of a secure internet-based platform.

For those electors who do not have internet access, the secondary method for absentee balloting shall be for the elector to convey their vote(s) to the administrator of the balloting process by telephone conversation.

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Electors may choose to vote by paper or FAXed ballot. The elector is solely responsible for contacting the administrator of the balloting process before the voting period opens, in order to request a paper or FAXed ballot. The elector is also solely responsible for returning their signed, voted ballot to the administrator before the voting period closes – by postal service, by FAX, or by other electronic transmission of an image of the voted ballot.

### **5.6.5 – Counting of Ballots**

The absentee balloting process shall include a method to assure that every cast vote is counted and, if necessary, can be recounted.

The absentee balloting process shall include a method to assure that the elector can discover if their vote has been changed (or miscounted) and can correct the problem without destroying the security of the balloting process.

An absentee ballot question shall be declared to be approved (the vote is positive) if the number of qualified elector approvals equals or exceeds the number of votes that would be required to approve the question at a meeting at which the same total number of votes was cast.

In an absentee-balloting election where more than one person is to be elected to an office, the results of the election shall be electronically tabulated according to a process analogous to the process described in Appendix A. (**Article I, Rule 5.5.2.2**)

In an absentee balloting election where only one person is to be elected to an office, a candidate shall be declared elected if they receive a majority of all votes cast for that office (**Article I, Rule 5.5.2.1**). In an absentee balloting election where one person is to be elected to an office, a runoff election is required if no single candidate receives a majority of votes.

#### **5.6.5.1 – Runoff Procedures for Absentee Balloting**

To determine which candidates shall participate in the runoff election, the candidates shall be listed in order of votes received, from highest to lowest number of votes.

- If the sum of the votes received by the top two (2) candidates is greater than 50%, those two candidates shall participate in the runoff.
- If the sum of the votes received by the top two candidates is not greater than 50%, then the sum of the votes received by the top three (3) candidates shall be calculated. If that sum is greater than 50%, those three candidates shall participate in the runoff.
- If the sum of the votes received by the top three candidates is not greater than 50%, then the sum of the votes received by the top four (4) candidates shall be calculated. If that sum is greater than 50%, those four candidates shall participate in the runoff.
- And so on until a sum of votes greater than 50% is calculated.

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### **5.6.5.2 – Tie-Breaking Procedures for Absentee Balloting**

In an absentee balloting election where one person is to be elected to an office, and two or more candidates are tied for the top number of votes received, the tie shall be broken by lot within 48 hours after the voting period closes. Each of the tied candidates, or their authorized representatives, shall appear in person at a mutually agreed upon location to conduct an administrator-supervised tie-breaking procedure.

### **5.6.6 – Timely Certification, Reporting, and Recording of the Absentee Balloting Results**

No later than seven (7) days after the voting closes, the complete results of the absentee balloting shall be verified and certified by two people: the administrator and another person.

No later than three (3) days after the results of the absentee balloting are certified, the administrator shall send the certified results to all qualified electors, to the executive body that oversees that body whose members participated in the vote, and to the appropriate Secretary.

Any changes adopted by an absentee-balloting process shall be read into the minutes of the next meeting of the body whose members participated in that absentee-balloting process.

### **5.6.7 – When Absentee Balloting Is Prohibited**

The following types of decisions made in the name of a deliberative assembly – namely, the State Central Committee and Judicial Council – cannot be conducted by absentee balloting:

- State Central Committee vote to remove a state officer – **Article II, Rule 2.7.2.4**
- Judicial Council adjudication of challenges to a county’s election of delegates or alternates to a state convention – **Article II, Rule 4.2.3**
- State Central Committee election of Democratic National Committee Woman and Democratic National Committee Man – **Article II, Rule 8.1**
- Judicial Council adjudication of challenges to a county’s election of SCC members or county officers – **Article III, Rule 4.3**

### **5.6.8 – Quorum for Absentee Balloting Procedures**

For an absentee balloting process to be valid and certifiable, the number of qualified electors participating in the balloting process must equal or exceed the number of qualified electors required to establish quorum for that body and for the type of vote or election undertaken. For an absentee balloting process conducted by the State Central Committee, the quorum of participating counties must also be met for quorum to be established (**Article II, Rule 1.3**).

If the number of votes received does not constitute a quorum two hours before the voting period closes, the administrator may extend the voting period by up to three (3) consecutive 48-hour periods, or until a quorum is reached, whichever occurs first. If a quorum is still not reached after three such extensions, the motion is withdrawn and no decision will have been made.