



Restoring Integrity and Trust in Elections

November 11, 2025

The Honorable Maggie Toulouse Oliver
Secretary of State
State of New Mexico
New Mexico Capitol Annex North
325 Don Gaspar, Suite 300
Santa Fe, NM 87501

Dear Secretary Toulouse Oliver:

I write on behalf of Restoring Integrity and Trust in Elections (RITE), a nonpartisan organization committed to promoting election integrity and ensuring compliance with federal and state election laws. RITE respectfully raises concerns that New Mexico's voter registration practices are in violation of the Help America Vote Act of 2002 ("HAVA").

The first issue concerns the current language used on New Mexico's official voter registration application ("Registration Form").¹ In the "Personal Information" section, the Registration Form instructs applicants to "[e]nter last 4 digits of SSN², or full NM Driver's License or ID Number." In effect, this language suggests that the applicant is free to choose between the two identifiers, rather than requiring the use of a driver's license number if available.³

This structure conflicts with the sequencing required under federal law. HAVA prohibits a state from accepting or processing a voter registration application for a federal election unless the applicant includes:

- (I) in the case of an applicant who has been issued a current and valid driver's license, the applicant's driver's license number; or
- (II) in the case of any other applicant . . . , the last 4 digits of the applicant's social security number.⁴

This provision establishes a clear order of priority. It does not allow applicants to choose freely between providing a driver's license number or the SSN last four; rather, it requires the use of a driver's license number first, if one has been issued. Compounding the confusion, the Registration Form lists the SSN last four option before the driver's license number option.

¹ New Mexico Voter Registration Form, available at: https://www.sos.nm.gov/wp-content/uploads/2024/11/VoterReg_SHELL_2023_ENG.pdf.

² Hereinafter "SSN last four."

³ *Id.*

⁴ Help America Vote Act of 2002, § 303(a)(5)(A), codified at 52 U.S.C. § 21083(a)(5)(A). *See also* § 21083(a)(5)(A)(ii) (providing an exception to the driver's license number/SSN last four requirement for those few applicants who have neither).

The second issue relates to New Mexico’s compliance with HAVA and state laws that require verification of voter registration information by matching one of these identifiers against corresponding records held by the state motor vehicle agency or the Social Security Administration (“SSA”).⁵

HAVA exempts a state from both of these requirements if it “provides for the use of social security numbers[] on applications for voter registration”⁶ “The last 4 digits of a social security number . . . shall not be considered to be a social security number”⁷

Until 2019, New Mexico appears to have qualified for this exemption because it required applicants to provide their full SSN on the voter registration form.⁸ That year, however, New Mexico enacted legislation that eliminated the full SSN requirement from the voter registration application and replaced it with the Driver’s License number and SSN last four fields.⁹ At the same time, the legislature amended NMSA § 1-4-1.1 to add a new subsection (C), directing that the “secretary of taxation and revenue shall enter into an agreement with the federal commissioner of social security pursuant to 52 U.S.C. § 21083, for the purpose of verifying applicable [registration] information.”¹⁰ This strongly suggests that the legislature was cognizant of the fact New Mexico would forfeit its HAVA exemption after eliminating the requirement that registration applications request the full SSN.

Despite this statutory change, there is no apparent evidence that New Mexico has implemented HAVA’s required matching process or formatted its registration application to require the Driver’s License number and only accept the SSN last four for those without one. According to SSA’s Help America Vote Verification (“HAVV”) website, New Mexico “do[es] not obtain SSN verifications from SSA through HAVV for voter registration,” and the HAVV portal suggests that the state has never made a HAVV transaction.¹¹

Accordingly, we respectfully request clarification on the following:

1. Does New Mexico still consider itself exempt from HAVA’s requirements enumerated in 52 U.S.C. § 21083(a)(5)?
2. If so, on what basis?
3. Has the Secretary of Taxation and Revenue conducted verification checks with the SSA?
4. If so, how are these verifications carried out if not through the HAVV system?
5. If no agreement with the SSA currently exists, is there a plan to establish one to comply with HAVA and the state statutory requirements?

⁵ 52 U.S.C. § 21083(a)(5)(A)(i).

⁶ 52 U.S.C. § 21083(a)(5)(D).

⁷ 52 U.S.C. § 21083(c).

⁸ See NMSA § 1-4-5.4(B) (effective July 1, 2011 to April 2, 2019) (emphasis added) (“The certificate of registration form shall require the following elements of information concerning the applicant for registration: name, gender, residence, municipality, post office, county of former registration, *social security number*, date of birth, political party affiliation, zip code, telephone number at the applicant's option and statement of qualification for voting.”).

⁹ See HB 407, <https://www.nmlegis.gov/Legislation/Legislation?chamber=H&legtype=B&legno=407&year=19>.

¹⁰ *Id.*

¹¹ See Social Security Administration, *Help America Vote Verification (HAVV)*, <https://www.ssa.gov/data/havv/> (last visited November 9, 2025); see also Social Security Administration Program Operations Manual System (POMS), GN 03314.145, available at <https://secure.ssa.gov/poms.nsf/lnx/0203314145> (“The following seven States are exempt from HAVA: Georgia, Hawaii, Kentucky, New Mexico, South Carolina, Tennessee, and Virginia.”).

Finally, New Mexico's Voter Registration Form inaccurately describes HAVA's voter identification requirements. The "Registration ID Requirements" instructions state that those who "are currently registered to vote" in the state do not need to comply with the HAVA ID requirements. However, HAVA's ID requirements apply to all individuals who register to vote by mail and who have "not previously voted in an election for Federal office" in New Mexico, regardless of whether they are already registered to vote.¹²

We understand that as a practical matter, many existing registrants completing the registration form may well have already voted in a federal election in New Mexico and thus not be subject to the HAVA ID requirement, but the form's explanation must still conform to HAVA. Therefore, we request that you update the instructions to specify that the ID requirements apply to all voters who register by mail who have not previously voted in a federal election in New Mexico.

RITE appreciates your attention to these matters and would welcome the opportunity to discuss them with you further or provide additional assistance to ensure compliance with federal law. If you have any questions, you can reach me at JustinRiemer@riteusa.org.

Sincerely,

A handwritten signature in black ink that reads "J. Justin Riemer". The signature is written in a cursive style with a large, stylized initial "J".

J. Justin Riemer
President

CC: Stephanie Schardin Clarke, Secretary of Taxation and Revenue

¹² 52 U.S.C. § 21083(b)(2)(A).