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HOUSE BILL 327

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO ELECTIONS; REQUIRING DEPOSITS FOR CERTAIN RECOUNTS
OR RECHECKS TO BE DEPOSITED WITH THE SECRETARY OF STATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-14-15 NMSA 1978 (being Laws 1978,
Chapter 48, Section 1) is amended to read:

"1-14-15. RECOUNTS--RECHECKS--COST OF PROCEEDINGS. --

A. ~~[Any]~~ An applicant for a recount shall deposit
with the proper canvassing board or, in the case of an office
for which the state canvassing board issues a certificate of
nomination or election, with the secretary of state fifty
dollars (\$50.00) in cash, or a sufficient surety bond in an
amount equal to fifty dollars (\$50.00), for each precinct for
which a recount is demanded. ~~[Any]~~ An applicant for a recheck
shall deposit with the proper canvassing board or, in the case

underscored material = new
[bracketed material] = delete

1 of an office for which the state canvassing board issues a
2 certificate of nomination or election, with the secretary of
3 state ten dollars (\$10.00) in cash, or a sufficient surety
4 bond in an amount equal to ten dollars (\$10.00), for each
5 voting machine to be rechecked.

6 B. The deposit or surety bond shall be security
7 for the payment of the costs and expenses of the recount or
8 recheck in case the results of the recount or recheck are not
9 sufficient to change the results of the election.

10 C. If it appears that error or fraud sufficient to
11 change the winner of the election has been committed, the
12 costs and expenses of the recount or recheck shall be paid by
13 the state upon warrant issued by the secretary of finance and
14 administration supported by a voucher of the [~~state canvassing~~
15 ~~board~~] secretary of state, or shall be paid by the county upon
16 warrant of the county clerk from the general fund of the
17 county, as the case may be.

18 D. If no error or fraud appears to be sufficient
19 to change the winner, the costs and expenses for the recount
20 or recheck shall be paid by the applicant. Costs shall
21 consist of any docket fees, mileage of the sheriff in serving
22 summons and fees and mileage of precinct board members, at the
23 same rates allowed witnesses in civil actions. If error or
24 fraud has been committed by a precinct board, they shall not
25 be entitled to such mileage or fees. "

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