

HOUSE BILL 527

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Edward C. Sandoval

FOR THE ELECTION REFORM TASK FORCE

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR PRECINCT BOARD TRAINING
MANUALS; CHANGING REGISTRATION PROCEDURES AND REQUIREMENTS;
ELIMINATING PROVISIONS FOR ELECTRONIC TRANSMISSION OF ABSENTEE
BALLOTS; REPEALING PROVISIONS ALLOWING ABSENTEE VOTERS TO
DELIVER THEIR ABSENTEE BALLOTS TO THEIR PRECINCT ON ELECTION
DAY; CLARIFYING WHEN THE ABSENT VOTER PRECINCT POLLING PLACES
MAY BE OPEN; EXTENDING THE DEADLINE FOR PURCHASE OF VOTING
SYSTEMS; ALLOWING AUDITORY VERIFICATION OF BALLOT CHOICES BY
DISABLED OR ALTERNATIVE LANGUAGE VOTERS; PROVIDING FOR SECURITY
OF VOTER VERIFIABLE AND AUDITABLE PAPER TRAILS; CHANGING THE
DISTRIBUTION REQUIREMENTS FOR VOTER IDENTIFICATION CARDS;
REQUIRING REPORTING OF FAILED REGISTRATIONS FOR INVESTIGATION
OR PROSECUTION; REQUIRING THE SECRETARY OF STATE TO INFORM A
VOTER OF APPEAL PROCEDURES FOR COUNTY CLERK DECISIONS
CONCERNING THE COUNTING OF THE VOTER'S PROVISIONAL BALLOT;

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1 AMENDING AND REPEALING SECTIONS OF THE ELECTION CODE; DECLARING
2 AN EMERGENCY.

3
4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

5 Section 1. Section 1-2-4 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 25, as amended) is amended to read:

7 "1-2-4. SECRETARY OF STATE--TRAINING AND INSTRUCTIONS TO
8 PRECINCT BOARDS--TRAINING MANUAL.--

9 A. The secretary of state shall provide:

10 (1) instructions for the precinct board, which
11 shall include a brief nontechnical explanation of their duties
12 as required by the Election Code; and

13 (2) a single training manual containing
14 standard guidelines for the operations and processes of
15 statewide elections, including pre-election day activities,
16 election-day activities and post-election-day activities [~~and~~
17 ~~county and state canvassing processes~~]. Separate manuals for
18 voting systems may be provided for each county, or if the
19 single training manual is in a loose-leaf binder format,
20 sections for the voting systems used in a given county may be
21 inserted in the training manual for that county.

22 B. When any specific duty is imposed by the
23 instructions issued under the Election Code, the duty shall be
24 deemed to be a requirement of the law."

25 Section 2. Section 1-4-5.1 NMSA 1978 (being Laws 1993,

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1 Chapter 314, Section 7 and Laws 1993, Chapter 316, Section 7,
2 as amended) is amended to read:

3 "1-4-5.1. METHOD OF REGISTRATION--FORM.--

4 A. A qualified elector may apply for registration
5 by mail, in the office of the secretary of state or county
6 clerk or with a registration agent or officer.

7 B. A person may request certificate of registration
8 forms [~~may be requested~~] from the secretary of state or any
9 county clerk in person, by telephone or by mail for [~~oneself~~]
10 that person or for [~~others~~] other persons.

11 C. Except as provided in Subsection D of this
12 section, a qualified elector who wishes to register to vote
13 shall fill out completely and sign the certificate of
14 registration. The qualified elector may seek the assistance of
15 any person in completing the certificate of registration.

16 D. A qualified elector who has filed for an order
17 of protection pursuant to the provisions of the Family Violence
18 Protection Act and who presents a copy of that order from a
19 state or tribal court to the registration officer shall not be
20 required to provide address information on the certificate of
21 registration.

22 E. Completed certificates of registration may be
23 mailed or presented in person by the registrant or any other
24 person to the secretary of state or presented in person by the
25 registrant or any other person to the county clerk of the

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1 county in which the registrant resides.

2 F. If the registrant wishes to vote in the next
3 election, the completed and signed certificate of registration
4 shall be delivered or mailed and postmarked at least twenty-
5 eight days before the election.

6 G. Upon receipt of a certificate of registration,
7 the secretary of state shall send the certificate to the county
8 clerk in the county where the qualified elector resides.

9 H. Only when the certificate of registration is
10 properly filled out, signed by the qualified elector and
11 accepted for filing by the county clerk as evidenced by the
12 county clerk's signature or stamp and the date of acceptance
13 thereon and when notice has been received by the registrant
14 shall it constitute an official public record of the
15 registration of the qualified elector.

16 I. The secretary of state shall prescribe the form
17 of the certificate of registration, which form shall be a
18 postpaid mail-in format and shall be printed in Spanish and
19 English. The certificate of registration form shall be clear
20 and understandable to the average person and shall include
21 brief but sufficient instructions to enable the qualified
22 elector to complete the form without assistance. The form
23 shall also include:

24 (1) the question "Are you a citizen of the
25 United States of America?" and boxes for the applicant to check

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1 to indicate whether the applicant is or is not a citizen;

2 (2) the question "Will you be at least
3 eighteen years of age on or before election day?" and boxes for
4 the applicant to check to indicate whether the applicant will
5 be eighteen years of age or older on election day;

6 (3) the statement "If you checked 'no' in
7 response to either of these questions, do not complete this
8 form.";

9 (4) a statement informing the applicant that:

10 (a) if the form is submitted by mail by
11 the applicant and the applicant is registering for the first
12 time in New Mexico, the applicant must submit with the form a
13 copy of: 1) a current and valid photo identification [~~or voter~~
14 ~~identification card~~]; or 2) a utility bill, bank statement,
15 government check, paycheck, student identification card or
16 other government document, including identification issued by
17 an Indian nation, tribe or pueblo, that shows the name and
18 address of the applicant; and

19 (b) if the applicant does not submit the
20 required identification, [~~he~~] the applicant will be required to
21 do so when voting in person or absentee; and

22 (5) a statement requiring the applicant to
23 swear or affirm that the information supplied by the applicant
24 is true."

25 Section 3. Section 1-6-4 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 130, as amended) is amended to read:

2 "1-6-4. ABSENTEE BALLOT APPLICATION--FEDERAL QUALIFIED
3 ELECTOR--OVERSEAS VOTER.--

4 A. Application by a federal qualified elector or an
5 overseas voter for an absentee ballot shall be made on the
6 official postcard form prescribed or authorized by the federal
7 government to the county clerk of the county of ~~[his]~~ the
8 applicant's residence. The form shall allow the applicant to
9 receive an absentee ballot for all elections within an election
10 cycle.

11 B. Application by a voter for an absentee ballot
12 shall be made only on a form prescribed by the secretary of
13 state in accordance with federal law. The form shall identify
14 the applicant and contain information to establish ~~[his]~~ the
15 applicant's qualification for issuance of an absentee ballot
16 under the Absent Voter Act; provided that on the application
17 form for a general election ballot there shall be no box, space
18 or place provided for designation of the voter's political
19 party affiliation.

20 C. Each application for an absentee ballot shall be
21 subscribed by the applicant and shall require the applicant's
22 printed name, year of birth and unique identifier to be
23 supplied by the applicant, which shall constitute the required
24 form of identification, except for new registrants ~~[that]~~ who
25 have registered by mail and at that time did not provide

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1 acceptable identification; provided, however, that absent
2 uniformed services voters, overseas voters and voters with
3 disabilities shall not be required to submit any identification
4 other than their printed name, year of birth and unique
5 identifier.

6 D. An application for an absentee ballot by a
7 federal qualified elector or an overseas voter shall be
8 accepted at any time preceding the general election."

9 Section 4. Section 1-6-5 NMSA 1978 (being Laws 1969,
10 Chapter 240, Section 131, as amended) is amended to read:

11 "1-6-5. PROCESSING APPLICATION--ISSUANCE OF BALLOT.--

12 A. The county clerk shall mark each completed
13 absentee ballot application with the date and time of receipt
14 in the clerk's office and enter the required information in the
15 absentee ballot register. The county clerk shall then
16 determine if the applicant is a voter, an absent uniformed
17 services voter or an overseas voter.

18 B. If the applicant does not have a valid
19 certificate of registration on file in the county and is not a
20 federal qualified elector or if the applicant states that the
21 applicant is a federal qualified elector but the application
22 indicates the applicant is not a federal qualified elector, an
23 absentee ballot shall not be issued and the county clerk shall
24 mark the application "rejected" and file the application in a
25 separate file from those accepted.

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1 C. The county clerk shall notify in writing each
2 applicant of the fact of acceptance or rejection of the
3 application and, if rejected, shall explain why the application
4 was rejected.

5 D. If the applicant has on file with the county a
6 valid certificate of registration that indicates that the
7 applicant is a voter who is a new registrant and who registered
8 by mail without submitting the required voter identification,
9 the county clerk shall notify the voter that the voter must
10 submit with the absentee ballot the required physical form of
11 identification. The county clerk shall note on the absentee
12 ballot register and signature roster that the applicant's
13 absentee ballot must be returned with the required
14 identification.

15 E. If the county clerk finds that the applicant is
16 a voter other than a federal qualified elector or overseas
17 voter, the county clerk shall mark the application "accepted"
18 and, beginning twenty-eight days before the election, deliver
19 an absentee ballot to the voter in the county clerk's office or
20 mail to the applicant an absentee ballot and the required
21 envelopes for use in returning the ballot. If the county clerk
22 finds that the applicant is a federal qualified elector or
23 overseas voter, the county clerk shall mark the application
24 "accepted" and beginning forty-five days before the election,
25 mail to the applicant an absentee ballot and the required

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1 envelopes for use in returning the ballot. Acceptance of an
2 application of a federal qualified elector constitutes
3 registration for the election in which the ballot is to be
4 cast. Acceptance of an application from an overseas voter who
5 is not an absent uniformed services voter constitutes a request
6 for changing information on the certificate of registration of
7 any such voter. An absent voter shall not be permitted to
8 change party affiliation during those periods when change of
9 party affiliation is prohibited by the Election Code. Upon
10 delivery of an absentee ballot to a voter in the county clerk's
11 office or mailing of an absentee ballot to an applicant who is
12 a voter, an appropriate designation shall be made on the
13 signature line of the signature roster next to the name of the
14 voter who has been provided or mailed an absentee ballot.

15 F. If an application for an absentee ballot is
16 delivered in person to the county clerk and is accepted, the
17 county clerk shall provide the voter an absentee ballot and it
18 shall be marked by the applicant in a voting booth of a type
19 prescribed by the secretary of state, sealed in the proper
20 envelopes and otherwise properly executed and returned to the
21 county clerk or [~~his~~] the clerk's authorized representative
22 before the voter leaves the office of the county clerk. The
23 act of marking the absentee ballot in the office of the county
24 clerk shall be a convenience to the voter in the delivery of
25 the absentee ballot and does not make the office of the county

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1 clerk a polling place subject to the requirements of a polling
2 place in the Election Code other than is provided in this
3 subsection. It is unlawful to solicit votes, display or
4 otherwise make accessible any posters, signs or other forms of
5 campaign literature whatsoever in the clerk's office or
6 alternate voting location. Absentee ballots may be marked in
7 person at the county clerk's office during the regular hours
8 and days of business beginning on the twenty-eighth day
9 preceding the election and from 10:00 a.m. to 6:00 p.m. on the
10 Saturday immediately prior to the date of the election. In
11 marking the absentee ballot, the voter, pursuant to the
12 provisions of Section 1-12-15 NMSA 1978, may be assisted by one
13 person of the voter's choice.

14 G. Absentee ballots shall be [~~airmailed or, if so~~
15 ~~requested, electronically transmitted~~] mailed to applicants
16 [~~temporarily domiciled inside or outside the continental limits~~
17 ~~of the United States~~] not later than on the Friday immediately
18 prior to the date of the election.

19 H. An absentee ballot shall not be delivered or
20 mailed by the county clerk to any person other than the
21 applicant for such ballot.

22 I. The secretary of state and each county clerk
23 shall make reasonable efforts to publicize and inform voters of
24 the times and locations for absentee voting; provided, however,
25 that notice is provided at least ten days before early voting

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1 begins.

2 J. The secretary of state shall establish
3 procedures for the submittal, when required by federal law, of
4 required voter identification with mailed-in absentee ballots."

5 Section 5. Section 1-6-10 NMSA 1978 (being Laws 1969,
6 Chapter 240, Section 136, as amended) is amended to read:

7 "1-6-10. RECEIPT OF ABSENTEE BALLOTS BY CLERK.--

8 A. The county clerk shall mark on each completed
9 official mailing envelope the date and time of receipt in the
10 clerk's office, record this information in the absentee ballot
11 register and safely keep the official mailing envelope unopened
12 in a locked and number-sealed ballot box until it is delivered
13 to the proper absent voter precinct board or until it is
14 canceled and destroyed in accordance with law.

15 B. The county clerk shall accept completed official
16 mailing envelopes until 7:00 p.m. on election day [~~and the~~
17 ~~absent voter precinct board shall accept completed official~~
18 ~~mailing envelopes from precincts within the county of the~~
19 ~~voters who turned in their absentee ballots at their precinct~~
20 ~~by the close of polls on election day)]. Any completed official
21 mailing envelope received after that time shall not be
22 delivered to a precinct board but shall be preserved by the
23 county clerk until the time for election contests has expired.
24 In the absence of a restraining order after expiration of the
25 time for election contests, the county clerk shall destroy all~~

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1 late official mailing envelopes without opening or permitting
2 the contents to be examined, cast, counted or canvassed.

3 Before their destruction, the county clerk shall count the
4 numbers of late ballots from voters, federal voters, overseas
5 citizen voters and federal qualified electors and report the
6 number from each category to the secretary of state.

7 C. At 5:00 p.m. on the Monday immediately preceding
8 the date of election, the county clerk shall record the numbers
9 of the unused absentee ballots and shall publicly destroy in
10 the county clerk's office all such unused ballots. The county
11 clerk shall execute a certificate of destruction, which shall
12 include the numbers on the absentee ballots destroyed. A copy
13 of the certificate of destruction shall be sent to the
14 secretary of state."

15 Section 6. Section 1-6-14 NMSA 1978 (being Laws 1971,
16 Chapter 317, Section 11, as amended) is amended to read:

17 "1-6-14. HANDLING ABSENTEE BALLOTS BY ABSENT VOTER
18 PRECINCT BOARDS.--

19 A. Before opening an official mailing envelope, the
20 presiding judge and the election judges shall determine that
21 the required information has been completed on the reverse side
22 of the official mailing envelope.

23 B. If the voter's signature is missing, the
24 presiding judge shall write "Rejected" on the front of the
25 official mailing envelope. The election clerks shall enter the

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1 voter's name in the signature rosters and shall write the
2 notation "Rejected--Missing Signature" in the "Notations"
3 column of the signature rosters. The presiding judge shall
4 place the official mailing envelope unopened in an envelope
5 provided for rejected ballots, seal the envelope and write the
6 voter's name on the front of the envelope and deposit it in the
7 locked ballot box.

8 C. A lawfully appointed challenger may examine the
9 official mailing envelope and may challenge the ballot of any
10 absent voter for the following reasons:

11 (1) the official mailing envelope has been
12 opened prior to being received by the absent voter precinct
13 board; or

14 (2) the person offering to vote is not a
15 federal voter, federal qualified elector, overseas voter or
16 voter as provided in the Election Code.

17 Upon the challenge of an absentee ballot, the election
18 judges and the presiding election judge shall follow the same
19 procedure as when ballots are challenged when a person attempts
20 to vote in person. If a challenge is upheld, the official
21 mailing envelope shall not be opened but shall be placed in an
22 envelope provided for challenged ballots. The same procedure
23 shall be followed in canvassing and determining the validity of
24 challenged absentee ballots as with other challenged ballots.

25 D. If the official mailing envelope has been

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1 properly subscribed and the voter has not been challenged:

2 (1) the election clerks shall enter the absent
3 voter's name and residence address as shown on the official
4 mailing envelope in the signature rosters and shall mark the
5 notation "AB" opposite the voter's name in the "Notations"
6 column of the signature rosters; and

7 (2) only between 8:00 a.m. and 5:00 p.m. on
8 the five days preceding election day, including Saturday and
9 Sunday, and beginning at 7:00 a.m. on election day, under the
10 personal supervision of the presiding election judge, shall the
11 election judges open the official mailing envelope and the
12 official inner envelope and insert the enclosed ballot into an
13 electronic voting machine to be registered and retained until
14 votes are counted and canvassed following the closing of the
15 polls on election night.

16 E. It is unlawful for a person to disclose the
17 results of a count and tally or the registration on a voting
18 machine of absentee ballots prior to the closing of the polls.

19 F. Absentee ballots shall be counted and tallied on
20 an electronic voting machine as provided in the Election Code.

21 G. Absent voter precinct polls shall close [~~at the~~
22 ~~time prescribed by the Election Code for other polling places]~~
23 in accordance with Section 1-6-23 NMSA 1978, and the results of
24 the election shall be certified as prescribed by the secretary
25 of state.

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1 H. If an absentee ballot does not contain the
2 identification required pursuant to Subsection D of Section
3 1-6-5 NMSA 1978, it shall be handled as a provisional paper
4 ballot in accordance with the Election Code."

5 Section 7. Section 1-6-23 NMSA 1978 (being Laws 1975,
6 Chapter 255, Section 95, as amended) is amended to read:

7 "1-6-23. ABSENT VOTER PRECINCT POLLING PLACE--HOURS ON
8 ELECTION DAY AND SUBSEQUENT DAYS.--The county clerk or
9 statutorily appointed supervisor of the election shall
10 determine the hours between 8:00 a.m. and 5:00 p.m. during
11 which the absent voter precinct polling place shall be open for
12 delivery and registering of absentee ballots on the five days
13 preceding election day and the hours during which the absent
14 voter precinct polling place shall be open for the delivery,
15 registering and counting of ballots on election day and
16 subsequent days until all ballots are counted; provided that
17 the absent voter precinct polling place opens at 7:00 a.m. on
18 election day."

19 Section 8. Section 1-9-7.1 NMSA 1978 (being Laws 2005,
20 Chapter 270, Section 56) is amended to read:

21 "1-9-7.1. VOTING SYSTEM--VOTER VERIFIABLE AND AUDITABLE
22 PAPER TRAIL.--

23 A. All voting systems used in elections covered by
24 the Election Code shall have a voter verifiable and auditable
25 paper trail; provided, however, that:

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1 (1) voting systems owned or used by a county
2 on ~~[the effective date of this 2005 act]~~ July 1, 2005 that do
3 not have a voter verifiable and auditable paper trail may be
4 used until the first occurrence of the following:

5 ~~[(1)]~~ (a) sufficient federal, state or
6 local funds are available to replace the voting system; or

7 ~~[(2)]~~ (b) December 31, [2006] 2007; and

8 (2) a voting system purchased to meet federal
9 requirements for alternative languages accessibility and for
10 accessibility for individuals with disabilities may employ an
11 auditory system to allow the voter to verify ballot choices in
12 lieu of the voter verifiable and auditable paper trail.

13 B. In any event, no voting system shall be used
14 that has not been certified by the secretary of state.

15 C. The voter verifiable and auditable paper trail
16 shall be considered a ballot for purposes of the Election Code,
17 and the secretary of state shall promulgate rules to ensure the
18 secrecy and security of the voter verifiable and auditable
19 paper trail that is accorded to other types of ballots
20 authorized by the Election Code.

21 ~~[C.]~~ D. As used in this section:

22 (1) "voting system" includes a paper ballot
23 system in which the voter physically marks the paper ballot to
24 indicate the voter's choices; and

25 (2) "voter verifiable and auditable paper

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1 trail" means a paper record of the voter's choices, viewable
2 prior to casting the ballot, which may be the paper ballot
3 itself; the paper trail shall be used by the state or its
4 contractor to check either the veracity of a machine count or
5 the count itself, or may be used in a recount proceeding, and
6 in case of a discrepancy, the voter verifiable and auditable
7 paper trail shall be considered the true and correct record of
8 the voter's choices."

9 Section 9. Section 1-11-12.1 NMSA 1978 (being Laws 2005,
10 Chapter 270, Section 9) is amended to read:

11 "1-11-12.1. VOTER IDENTIFICATION CARDS--DISTRIBUTION.--

12 A. Between sixty and [~~forty~~] seventy-five days
13 before each [~~primary~~] general election, the [~~county clerk~~]
14 secretary of state shall send to each registered voter in [~~the~~]
15 each county a voter identification card indicating the voter's
16 name, address and voting precinct and the name of the current
17 county clerk in that county; provided, however, that a
18 registrant shall still be sent a voter identification card upon
19 filing of the registrant's certificate of registration with the
20 county clerk as provided in Section 1-4-12 NMSA 1978.

21 [~~B. The county clerk may apply to the office of the~~
22 ~~secretary of state for reimbursement of costs related to~~
23 ~~supplying voter identification cards.~~

24 G.] B. The secretary of state shall promulgate
25 rules to ensure that all registered voters receive a voter

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1 identification card before each [~~primary~~] general election [~~and~~
2 ~~reimburse the county for the costs of supplying and~~
3 ~~distributing the cards~~]."

4 Section 10. Section 1-12-8.1 NMSA 1978 (being Laws 2005,
5 Chapter 270, Section 62) is amended to read:

6 "1-12-8.1. CONDUCT OF ELECTION--USE OF VOTER'S [~~COPY~~]
7 RECEIPT OF CERTIFICATE OF REGISTRATION--PROCEDURES.--If a voter
8 whose name is not in the signature roster presents the voter's
9 [~~duplicate~~] receipt of the voter's certificate of registration,
10 the voter shall be allowed to vote on a provisional ballot in
11 the proper precinct in accordance with the provisions of
12 Section 1-5-10 NMSA 1978. The election judge shall inform the
13 voter that the voter will be notified by the county clerk to
14 provide a copy of the receipt of the certificate of
15 registration to the county clerk if the original certificate is
16 not located. A note shall be entered on the signature roster
17 indicating that the voter's certificate of registration should
18 be checked by the county clerk. For the purposes of
19 investigation or prosecution, the county clerk shall provide
20 the district attorney and the secretary of state with the
21 person's name and address and the corresponding receipt number
22 of the person's certificate of registration for each person
23 whose certificate of registration is not located."

24 Section 11. Section 1-12-25.2 NMSA 1978 (being Laws 2003,
25 Chapter 356, Section 3, as amended) is amended to read:

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1 "1-12-25.2. CONDUCT OF ELECTION--PROVISIONAL VOTING--
2 INFORMATION TO VOTER--STATUS OF VOTER'S BALLOT.--

3 A. If a voter is required to vote on a provisional
4 paper ballot, the election judge shall give the voter written
5 instructions on how the voter may determine whether the vote
6 was counted and, if the vote was not counted, the reason it was
7 not counted.

8 B. The [~~county clerk~~] secretary of state shall
9 establish a free access system, such as a toll-free telephone
10 number or internet web site, that a voter who casts a
11 provisional paper ballot may access to ascertain whether the
12 voter's ballot was counted and, if the vote was not counted,
13 the reason it was not counted and how to appeal that decision
14 to the secretary of state. Access to information about an
15 individual voter's provisional ballot is restricted to the
16 voter who cast the ballot.

17 ~~[C. Beginning with the closing of the polls on~~
18 ~~election day through the tenth day following the election, the~~
19 ~~county clerk shall notify by certified mail each person whose~~
20 ~~provisional ballot was not counted of the reason the ballot was~~
21 ~~not counted. The voter shall have until the Friday prior to~~
22 ~~the meeting of the state canvassing board to appeal to the~~
23 ~~county clerk a decision to reject the voter's ballot. The~~
24 ~~secretary of state shall establish procedures for handling~~
25 ~~appeals to the county clerk.]"~~

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1 Section 12. Section 1-14-22 NMSA 1978 (being Laws 2005,
2 Chapter 270, Section 76) is amended to read:

3 "1-14-22. CONTESTS AND RECOUNTS [~~AND RECHECKS~~]
4 PROVISIONAL, ABSENTEE AND OTHER PAPER BALLOTS.--The secretary
5 of state shall issue rules governing and allowing procedures
6 for reviewing the qualification of provisional ballot
7 envelopes, absentee and other paper ballots in the case of a
8 contest or recount [~~or recheck~~] of election results. All
9 rejected provisional paper ballot envelopes shall be included
10 in any contest or recount [~~or recheck~~] of election results, and
11 a review of the qualification of provisional ballot envelopes
12 shall occur in a recount."

13 Section 13. REPEAL.--Sections 1-6-4.3 and 1-12-8.2 NMSA
14 1978 (being Laws 2005, Chapter 270, Sections 41 and 60) are
15 repealed.

16 Section 14. EMERGENCY.--It is necessary for the public
17 peace, health and safety that this act take effect immediately.