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HOUSE BILL 831

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

INTRODUCED BY

Janice E. Arnold-Jones

AN ACT

RELATING TO ELECTIONS; PLACING A TWENTY-FOUR-HOUR MORATORIUM ON
RELEASE OF TOTALS OF ALL UNOFFICIAL ELECTION RETURNS.

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

Section 1. A new section of the Election Code is enacted
to read:

"~~[NEW MATERIAL]~~ RELEASE OF UNOFFICIAL RETURNS.--Except as
provided in Sections 1-12-34 and 1-12-38 NMSA 1978, a precinct
board member, absent voter precinct board member, county clerk,
secretary of state or any other election official shall not
disclose the unofficial results of an election until twenty-
four hours after the closing of the polls."

Section 2. Section 1-12-30 NMSA 1978 (being Laws 1969,
Chapter 240, Section 289, as amended) is amended to read:

"1-12-30. CONDUCT OF ELECTION--DISPOSITION OF POLL BOOK,

underscored material = new
[bracketed material] = delete

1 SIGNATURE ROSTER AND MACHINE-PRINTED RETURN REPORTING
2 UNOFFICIAL RETURNS.--

3 A. After all certificates have been executed, the
4 presiding judge and the two election judges shall place the
5 check list of registered voters voting and one copy of the
6 machine-printed returns in the stamped, addressed envelope
7 provided for that purpose and immediately mail it to the
8 secretary of state.

9 B. The signature roster, the machine-printed
10 returns and the direct-recording electronic cartridge for
11 electronic and marksense machines shall be returned to the
12 county clerk. The signature roster, the machine-printed
13 returns and the direct-recording electronic cartridge for
14 electronic and marksense machines shall not be placed in the
15 ballot box.

16 C. Signature rosters and machine-printed returns in
17 the custody of the county clerk may be destroyed three years
18 after the election to which they apply.

19 D. The county clerk shall report the unofficial
20 total returns for the county to the secretary of state [~~within~~
21 ~~ten~~] twenty-four hours after the polls close."

22 Section 3. Section 1-12-34 NMSA 1978 (being Laws 1969,
23 Chapter 240, Section 294, as amended) is amended to read:

24 "1-12-34. CONDUCT OF ELECTION--COPIES OF ELECTION RETURN
25 CERTIFICATES.--Upon completion of the certificate of returns,

.161223.1

underscored material = new
[bracketed material] = delete

1 the presiding judge shall deliver all returns to the county
2 clerk on election night with the exception of the one legible
3 copy of the machine-printed return from each voting machine
4 posted on the outside of the entrance door to the polling
5 place."

6 Section 4. Section 1-12-38 NMSA 1978 (being Laws 1973,
7 Chapter 358, Section 3) is amended to read:

8 "1-12-38. VOTING MACHINES--PRINTOMATIC VOTING MACHINE--
9 ADMITTANCE OF WATCHERS AND CANDIDATES--PROCLAMATION OF
10 RESULTS.--During the reading of the results of the votes cast,
11 any candidate or watcher who desires to be present shall be
12 admitted to the polling place. The proclamation of the result
13 of the votes cast shall be distinctly announced by the
14 presiding judge, who shall read the name of each candidate and
15 only the vote registered on the [~~printed~~] machine-printed
16 returns. The presiding judge shall also read the vote cast for
17 and against each constitutional amendment or other question
18 submitted. During the proclamation, ample opportunity shall be
19 given to any person lawfully present to compare the result so
20 proclaimed with the [~~printed~~] machine-printed returns, and any
21 necessary corrections shall then and there be made by the
22 precinct board."