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HOUSE BILL 1026

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO ELECTIONS; REQUIRING THE USE OF VOTER-VERIFIABLE
PAPER BALLOTS; CHANGING REQUIREMENTS FOR TESTING AND
CERTIFICATION OF VOTING SYSTEMS; DECLARING AN EMERGENCY.

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

Section 1. A new section of Chapter 1, Article 9 NMSA
1978 is enacted to read:

"~~[NEW MATERIAL]~~ VOTING SYSTEMS--USE OF VOTER-VERIFIABLE
PAPER BALLOTS.--All voting systems used in elections covered by
the Election Code shall produce a voter-verifiable paper ballot
as the medium on which a voter selects a candidate or indicates
a yes or no on a ballot question by marking the ballot. The
paper ballot shall be the official ballot of record for
recounts and audits. Voting systems owned or used by a county
on the effective date of this section that do not produce a

.155956.1

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 voter-verifiable paper ballot to record the voters' preferences
2 may be used until the first occurrence of the following:

3 A. adequate federal, state or local funds are
4 appropriated to replace those voting systems; or

5 B. July 1, 2008."

6 Section 2. A new section of Chapter 1, Article 9 NMSA
7 1978 is enacted to read:

8 "[NEW MATERIAL] VOTING SYSTEMS--TESTING OF PREVIOUSLY
9 CERTIFIED SYSTEMS.--The secretary of state may voluntarily test
10 and certify voting systems without an application by the
11 manufacturer if the system has been previously certified by
12 other states or by the national association of state election
13 directors. Tests and inspections conducted pursuant to this
14 section shall follow the testing procedures in Section 1-9-14
15 NMSA 1978 and shall be completed within six months of the date
16 on which testing begins; provided, however, that if the
17 manufacturer has not applied for certification of that voting
18 system, the manufacturer shall not be required to pay for the
19 costs of testing and certification."

20 Section 3. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect immediately.