RELATING TO ELECTIONS; REQUIRING USE OF PAPER BALLOTS FOR ALL VOTING SYSTEMS; REQUIRING AN ADEQUATE NUMBER OF VOTING BOOTHS.

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

Section 1. Section 1-9-5 NMSA 1978 (being Laws 1969, Chapter 240, Section 188, as amended) is amended to read:

"1-9-5. REQUIREMENT TO PURCHASE AND USE VOTING SYSTEMS.--

- A. Voting systems shall be used in all precincts in all statewide elections.
- B. The county clerk of each county shall provide one voting system in each precinct for use in the general and primary elections when the total number of registered voters in that precinct amounted to fewer than six hundred at the close of registration.
- C. At least one additional voting system shall be provided in such precinct for every six hundred registered voters in that precinct; provided that if the voting system used in the precinct is a paper ballot system, the county clerk shall ensure that an adequate number of voting booths are provided in lieu of providing more electronic vote tabulators.
 - D. When authorized by the state board of finance,

the board of county commissioners may acquire new or previously owned voting or electronic vote tabulating systems, as tested and approved by the secretary of state pursuant to the provisions of Section 1-9-14 NMSA 1978, which systems may be used in any election for public office. The acquisition of these systems may be in excess of the number provided in this section.

E. Except for intercounty acquisitions of equipment approved by the secretary of state, a previously owned voting or electronic vote tabulating system shall have a warranty equal to the warranty required of a new voting or electronic vote tabulating system."

Section 2. Section 1-9-7.1 NMSA 1978 (being Laws 2005, Chapter 270, Section 56) is amended to read:

"1-9-7.1. VOTING SYSTEM--USE OF PAPER BALLOT.--

A. All voting systems used in elections covered by the Election Code shall use a paper ballot on which the voter physically or electronically marks the voter's choices on the ballot itself; provided, however, that voting systems owned or used by a county on May 1, 2006 that do not use a paper ballot may be used until an adequate supply of voting systems is available and sufficient federal, state or local funds are available:

- (1) to replace the voting systems;
- (2) to acquire the necessary software;

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(3) for the secretary of state to purchase the paper ballots for all counties to use on the new voting system for primary and general elections; and

(4) to hold the counties harmless for payments due for voting systems under lease-purchase agreements entered into pursuant to Sections 1-9-17 through 1-9-19 NMSA 1978.

B. In any event, a voting system shall not be used if it has not been certified by the secretary of state and if a competitive bid process has not been conducted by the secretary of state pursuant to the provisions of Chapter 13, Article 1 NMSA 1978.

C. The paper ballot shall be used by the state or its contractor to check either the veracity of a machine count or the count itself, and shall be used in a recount proceeding as are absentee ballots, and in case of a discrepancy, the paper ballot shall be considered the true and correct record of the voter's choices."

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