HOUSE BILL 698

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Jose A. Campos

AN ACT

RELATING TO ELECTIONS; PROVIDING FOR AUTOMATIC RECOUNTS OF
CERTAIN ELECTIONS; PROVIDING FOR AUTOMATIC RECOUNT PROCEDURES;
CREATING A FUND; MAKING AN APPROPRIATION.

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] AUTOMATIC RECOUNTS--ELECTIONS FOR
STATEWIDE AND FEDERAL OFFICES--PROCEDURES.--

          A. An automatic recount of the vote is required
when the canvass of returns for a federal or statewide office
in a general election shows that the margin between the two
candidates receiving the greatest number of votes for an office
is less than one-half of one percent of the total votes cast
for that office in that election.

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1   B.   The secretary of state shall notify the

2   appropriate county canvassing boards when an automatic recount

3   is required, and the county canvassing boards shall order a

4   recount of the votes for the specified office in the

5   appropriate precincts.

6   C.   Automatic recounts shall not be conducted

7   pursuant to the recount procedures established in Section

8   1-14-16 NMSA 1978.   The secretary of state shall establish

9   procedures to be followed by the county clerks, county

10   canvassing boards and precinct boards in conducting automatic

11   recounts and promulgate rules for the conduct of automatic

12   recounts that protect the safety, security and secrecy of the

13   ballots that are to be recounted.

14   D.   If a county canvassing board, county clerk or

15   any member of a precinct board fails or refuses to perform any

16   of the acts required of them pertaining to automatic recounts,

17   the secretary of state may apply to any district court, the

18   court of appeals or the supreme court of New Mexico for writ of

19   mandamus to compel the performance of the required act, and

20   such court shall entertain such application."

21   Section 2.   A new section of the Election Code is enacted

22   to read:

23   "[NEW MATERIAL] AUTOMATIC RECOUNTS--EXPENSES.--The

24   secretary of state shall reimburse the counties for the costs

25   of conducting an automatic recount with money appropriated to

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1   the secretary from the automatic recount fund."

2   Section 3.   A new section of the Election Code is enacted

3   to read:

4   "[NEW MATERIAL] AUTOMATIC RECOUNT FUND CREATED--USE.--The

5   "automatic recount fund" is created in the state treasury.   The

6   fund shall consist of money distributed or transferred or

7   otherwise accruing to the fund.   Money in the fund is

8   appropriated to the secretary of state to reimburse counties

9   for expenses incurred in conducting automatic recounts.

10   Disbursements from the fund shall be by warrant of the

11   secretary of finance and administration upon vouchers signed by

12   the secretary of state.   Balances in the fund over one million

13   five hundred thousand dollars ($1,500,000) at the end of any

14   fiscal year shall revert to the general fund."

15   Section 4.   APPROPRIATION.--Five hundred thousand dollars

16   ($500,000) is appropriated from the general fund to the

17   automatic recount fund for expenditure in fiscal year 2008 and

18   subsequent fiscal years to reimburse counties for expenses

19   incurred in conducting automatic recounts.   Any unexpended or

20   unencumbered balance remaining at the end of a fiscal year

21   shall not revert to the general fund.

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