

**FORTY-EIGHTH LEGISLATURE
SECOND SESSION**

February 13, 2008

Madam President:

Your **CONFERENCE COMMITTEE**, to whom has been referred

HOUSE BILL 221, as amended

has had it under consideration and reports same with the following recommendation:

1. The following house voters and elections committee amendments be APPROVED:

No. 1.

2. All items of Senate Floor Amendment number 1 be DISAPPROVED.

and that the bill be amended further as follows:

3. On page 1, line 14, after "PROVISIONS", insert "; PROVIDING FOR THE MAINTENANCE AND STORAGE OF VOTING SYSTEMS".

4. On page 2, line 11, strike the comma and insert in lieu thereof "and" and strike "and maintenance".

5. On page 2, between lines 24 and 25, insert the following sections to read:

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

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"[NEW MATERIAL] VOTING SYSTEMS--STATE MAINTENANCE.--

A. The state shall pay all costs for the maintenance of hardware and software of all voting systems used for state elections, whether state- or county-owned.

B. Voting systems, whether state- or county-owned, shall be held in the custody of the county using the voting system. All voting systems shall be safely stored pursuant to guidelines issued by the secretary of state, and the counties are responsible for the costs of properly storing the voting systems."

Section 3. Section 1-9-12 NMSA 1978 (being Laws 1975, Chapter 255, Section 120, as amended) is amended to read:

"1-9-12. CARE AND CUSTODY OF SYSTEMS--CARE AND CUSTODY OF KEYS AND SEALS--RESPONSIBILITY FOR TRANSPORTATION--REPAIR AND PROGRAMMING--CHARGE FOR SUCH USE, TRANSPORTATION OR PROGRAMMING.--

A. The county clerk shall have custody of all voting systems, shall keep ~~[them in good repair]~~ all voting systems properly stored when not in use and shall be responsible for ~~[their transportation]~~ transporting all voting systems to and from polling places.

B. The county clerk shall have care and custody of and be responsible for the keys and seals for ~~[the]~~ all voting systems in the custody of the county and shall be responsible for the programming of the systems. All keys for the voting systems shall be kept in a secure place in the county clerk's office until such time as supplies are available to program or maintain the voting systems. When voting systems are being programmed for

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any election or maintained after an election, the county clerk or the county clerk's assigned deputy who is knowledgeable in the procedure of programming voting systems shall have custody of the keys and shall assure the security of the keys at all times during the period the voting systems are being programmed or maintained. In any event, all keys shall be returned to the office of the county clerk at the end of each day for safekeeping; [~~providing~~] provided that if the deputy is programming the voting systems outside of the county seat and it is impractical for the deputy to return the keys at the end of the day, the county clerk may give written authorization in advance to the deputy to retain the keys for as long as is needed to program the voting systems outside of the county seat, and a copy of the authorization with the deputy named therein shall be kept on file in the county clerk's office subject to public inspection. The county clerk shall submit an affidavit to the secretary of state describing the method to be used in keeping the voting system keys secure. This affidavit shall be submitted to the secretary of state in January of each even-numbered year for the secretary of state's approval or disapproval. The security method approved by the secretary of state shall be the only method of safekeeping the voting system keys until a new affidavit is submitted and approved. Failure of the county clerk to assure the security of voting system keys in [~~his~~] the county clerk's custody shall constitute a neglect to discharge the duties of [~~his~~] the clerk's office.

C. A reasonable fee may be charged by the county for the use, transportation and programming of the voting systems, but in no case shall such fee exceed the actual cost to the county."".

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Respectfully submitted,

Linda M. Lopez

Howie C. Morales

Dianna J. Duran

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____