



The Legislature  
of the  
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

CHAPTER 28

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR

HOUSE BILL 198, as amended,

with emergency clause

Introduced by



**EMERGENCY CLAUSE**

# Chapter 28

## AN ACT

1  
2 RELATING TO ELECTIONS; PROVIDING FOR THE PURCHASE, STORAGE,  
3 CUSTODY, DISPOSAL AND MAINTENANCE OF VOTING SYSTEM RECORDS FOR  
4 VOTING SYSTEMS PURCHASED IN 2006 AND AFTER; PROVIDING FOR  
5 CERTIFICATION PROCEDURES FOR VOTING SYSTEMS; CREATING A VOTING  
6 SYSTEM CERTIFICATION COMMITTEE; PROVIDING FOR VOTING SYSTEM  
7 STANDARDS; AMENDING, REPEALING, RECOMPILING AND ENACTING  
8 SECTIONS OF THE ELECTION CODE; DECLARING AN EMERGENCY.

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 Section 1. A new section of Chapter 1, Article 9 NMSA  
12 1978 is enacted to read:

13 "VOTING SYSTEMS RECORDS.--For each certified voting  
14 system purchased in 2006 and after, including any separate  
15 component, the secretary of state shall maintain records of  
16 the voting system and any component, including:

17 A. a description of each voting system and any of  
18 its components;

19 B. its serial number or other identification  
20 number;

21 C. the name of the vendor, the titleholder and the  
22 acquisition date;

23 D. its cost;

24 E. the percentage of federal participation  
25 covering the cost of acquisition;

1 F. its location, use and condition; and

2 G. its ultimate disposition, including the date of  
3 disposal and sale price."

4 Section 2. A new section of Chapter 1, Article 9 NMSA  
5 1978 is enacted to read:

6 "VOTING SYSTEMS--AUTHORITY OF THE SECRETARY OF STATE TO  
7 RECERTIFY AND DECERTIFY.--

8 A. Each voting system certified for use in the  
9 state shall be reviewed for recertification by the secretary  
10 of state during the year following a presidential election.  
11 Tests and inspections conducted pursuant to this section shall  
12 begin no later than June 1 and shall follow the procedures in  
13 Section 1-9-14 NMSA 1978.

14 B. If at any time the secretary of state becomes  
15 aware that a voting system certified for use in this state  
16 does not comply with all requirements in the Election Code or  
17 meet federal election standards, the secretary of state shall  
18 undertake an investigation to determine if the voting system  
19 should continue to be certified for use in the state. Tests  
20 and inspections conducted pursuant to this section shall  
21 commence upon the order of the secretary of state and shall  
22 follow the procedures in Section 1-9-14 NMSA 1978. A voting  
23 system that does not comply with all requirements in the  
24 Election Code and the most recent voluntary voting system  
25 guidelines adopted by the United States election assistance

1 commission shall be decertified for use in this state."

2 Section 3. A new section of Chapter 1, Article 9 NMSA  
3 1978 is enacted to read:

4 "VOTING SYSTEMS--VOTING SYSTEM CERTIFICATION COMMITTEE--  
5 MEMBERS.--

6 A. The "voting system certification committee" is  
7 created. The committee shall review written test reports and  
8 the findings of the secretary of state on the certification,  
9 recertification and decertification of voting systems for use  
10 in elections in the state.

11 B. The voting system certification committee shall  
12 be composed of:

13 (1) the secretary of information technology  
14 or the secretary's designee from within the department of  
15 information technology; and

16 (2) four additional members as follows:

17 (a) one member appointed by the  
18 president pro tempore of the senate;

19 (b) one member appointed by the  
20 minority leader of the senate;

21 (c) one member appointed by the  
22 speaker of the house of representatives; and

23 (d) one member appointed by the  
24 minority leader of the house of representatives.

25 C. The four additional members appointed pursuant

1 to Paragraph (2) of Subsection B of this section shall be  
2 county clerks or their chief deputies or other persons  
3 knowledgeable of elections in this state. Members shall be  
4 appointed no later than May 1 of each even-numbered year for  
5 terms of two years. Vacancies shall be filled by the original  
6 appointing authority.

7 D. The members of the committee shall select a  
8 committee member to serve as chair of the committee. No  
9 person who is currently or has been within the previous twelve  
10 months an employee or contractor of a voting machine vendor or  
11 the office of the secretary of state may serve as a member of  
12 the committee. Members of the committee are entitled to  
13 receive per diem and mileage as provided in the Per Diem and  
14 Mileage Act.

15 E. All meetings of the voting system certification  
16 committee shall be open meetings held in accordance with the  
17 Open Meetings Act. All reports and other records that are  
18 used, created, received, maintained or held by or on behalf of  
19 the voting system certification committee shall be open to  
20 public inspection pursuant to the Inspection of Public Records  
21 Act."

22 Section 4. A new section of Chapter 1, Article 9 NMSA  
23 1978 is enacted to read:

24 "VOTING SYSTEMS--STORAGE--CUSTODY AND MAINTENANCE--  
25 AUTHORITY TO ENFORCE.--

1           A. The secretary of state shall prescribe by rule  
2 promulgated pursuant to the provisions of the State Rules Act  
3 specifications for the proper storage of voting systems.

4           B. Voting systems shall be held in the custody of  
5 the county that uses the voting systems. All voting systems  
6 shall be properly stored pursuant to specifications  
7 promulgated by the secretary of state. The board of county  
8 commissioners shall be responsible for the costs of properly  
9 storing voting systems in custody of the county.

10           C. The secretary of state may pay from the voting  
11 system revolving fund the costs of all hardware, software,  
12 firmware, maintenance and support for voting systems, whether  
13 state- or county-owned, certified for use in state elections.

14           D. If the secretary of state becomes aware that  
15 state- or county-owned voting systems in the custody of a  
16 county are not being stored pursuant to specifications  
17 promulgated by the secretary of state, the secretary of state  
18 may take action as is deemed appropriate to protect the voting  
19 equipment. Such action may include requesting a court to  
20 order the county to implement the specifications promulgated  
21 by the secretary of state or the secretary of state taking  
22 immediate physical control of the voting systems until the  
23 county has complied with the storage specifications."

24           Section 5. A new section of Chapter 1, Article 9 NMSA  
25 1978 is enacted to read:

1 "VOTING SYSTEMS--TECHNICAL REQUIREMENTS.--Voting systems  
2 certified for use in state elections shall:

3 A. have a unique embedded internal serial number  
4 for audit purposes;

5 B. be supplied with a dust- and moisture-proof  
6 cover for transportation and storage purposes;

7 C. if the net weight of the system, or aggregate  
8 of voting device parts, is over twenty pounds, have self-  
9 contained wheels so that the system can be easily rolled by  
10 one person on rough pavement and can roll through a standard  
11 thirty-inch door frame;

12 D. be a stand-alone, non-networked election system  
13 such that all pre-election, election day and post-election  
14 events and activities can be recorded and retained in each  
15 device;

16 E. employ scalable technology allowing easy  
17 enhancements that meet United States election assistance  
18 commission standards and state law;

19 F. have ancillary equipment, such as printers,  
20 power sources, microprocessors and switch and indicator  
21 matrices, that is installed internally or is modular and  
22 transportable;

23 G. display publicly the number of ballots  
24 processed;

25 H. be able to print:

1                   (1) an alphanumeric printout of the  
2 contests, candidates and vote totals when the polls are opened  
3 so that the poll workers can verify that the counters for each  
4 candidate are on zero;

5                   (2) an alphanumeric printout of the  
6 contests, candidates and vote totals at the close of the  
7 polls, which printouts shall contain the system serial number  
8 and public counter total; and

9                   (3) as many copies of the alphanumeric  
10 printouts as necessary to satisfy state law; and

11                  I. include a feature to allow reports to be sent  
12 to an electronic data file."

13                  Section 6. A new section of Chapter 1, Article 9 NMSA  
14 1978 is enacted to read:

15                  "VOTING SYSTEMS--OPERATIONAL REQUIREMENTS.--Voting  
16 systems certified for use in state elections shall:

17                  A. have internal application software that is  
18 specifically designed and engineered for the election  
19 application;

20                  B. include comprehensive diagnostics designed to  
21 ensure that failures do not go undetected;

22                  C. have a real-time clock capable of recording and  
23 documenting the total time polls are opened; and

24                  D. have a self-contained, internal backup battery  
25 that powers all components of the system that are powered by



1 alternating current power; and, in the event of a power outage  
2 in the polling place:

3 (1) the self-contained, internal backup  
4 battery power shall engage with no disruption of operation for  
5 at least two hours and with no loss of data; and

6 (2) the system shall maintain all vote  
7 totals, public counter totals and the internal clock time in  
8 the event that the main power and battery backup power fail."

9 Section 7. A new section of Chapter 1, Article 9 NMSA  
10 1978 is enacted to read:

11 "VOTING SYSTEMS--MEMORY--REMOVABLE STORAGE MEDIA DEVICE  
12 --REQUIREMENTS.--Voting systems certified for use in state  
13 elections shall:

14 A. be programmable with removable storage media  
15 devices;

16 B. contain ballot control information, summary  
17 vote totals, maintenance logs and operator logs on the  
18 removable storage media device;

19 C. ensure that the votes stored on the removable  
20 storage media device accurately represent the actual votes  
21 cast;

22 D. be designed so that no executable code can be  
23 launched from random access memory;

24 E. have any operating system software stored in  
25 nonvolatile memory, which shall include internal quality

1 checks such as parity or error detection and correction codes,  
2 and which software shall include comprehensive diagnostics to  
3 ensure that failures do not go undetected;

4 F. allow for pre-election testing of the ballot  
5 control logic and accuracy, with results stored in the memory  
6 that is used on election day, and shall be capable of printing  
7 a zero-results printout prior to these tests and a results  
8 printout after the test;

9 G. have internal audit trail capability such that  
10 all pre-election, election day and post-election events shall  
11 be stored, recorded and recovered in an easy-to-read printed  
12 form and be retained within memory that does not require  
13 external power for memory retention;

14 H. possess the capability of remote transmission  
15 of election results to a central location only by reading the  
16 removable storage media devices once they have been removed  
17 from the tabulation device after the poll closing sequence has  
18 been completed; and

19 I. prevent data from being altered or destroyed by  
20 report generation or by the transmission of results."

21 Section 8. A new section of Chapter 1, Article 9 NMSA  
22 1978 is enacted to read:

23 "VOTING SYSTEMS--BALLOT HANDLING AND PROCESSING  
24 REQUIREMENTS.--Voting systems certified for use in state  
25 elections shall:

1           A. accept a ballot that is a minimum of six inches  
2 wide and a maximum of twenty-four inches long, in dual columns  
3 and printed on both sides;

4           B. accept a ballot in any orientation when  
5 inserted by a voter;

6           C. have the capability to reject a ballot on which  
7 a voter has made more than the allowable number of selections  
8 in any contest;

9           D. be designed to accommodate the maximum number  
10 of ballot styles or ballot variations encountered in the  
11 largest New Mexico election jurisdiction; and

12           E. be able to read a single ballot with at least  
13 four hundred twenty voting positions."

14           Section 9. A new section of Chapter 1, Article 9 NMSA  
15 1978 is enacted to read:

16           "VOTING SYSTEMS--SOURCE CODE--ESCROW.--

17 As a condition of initial certification and continued  
18 certification, the source code that operates a voting system  
19 shall be placed in escrow and be accessible to the state of  
20 New Mexico in the event the manufacturer ceases to do business  
21 or ceases to support the voting system."

22           Section 10. Section 1-9-1 NMSA 1978 (being Laws 1969,  
23 Chapter 240, Section 184, as amended) is amended to read:

24           "1-9-1. SECRETARY OF STATE--DUTIES--VOTING SYSTEM  
25 DEFINED.--

1           A. The secretary of state shall study, examine and  
2 certify all voting systems used in elections for public office  
3 in New Mexico. The secretary of state shall maintain a  
4 current list of certified voting systems and copies of filed  
5 testing and evaluation reports accessible by the public on the  
6 secretary of state's web site. Only voting systems certified  
7 by the secretary of state and acquired pursuant to a  
8 competitive bid process in accordance with the provisions of  
9 the Procurement Code shall be used in any election for public  
10 office in New Mexico.

11           B. As used in Chapter 1, Article 9 NMSA 1978,  
12 "voting system" means a combination of mechanical,  
13 electromechanical or electronic equipment, including the  
14 software and firmware required to program and control the  
15 equipment, that is used to cast and count votes; equipment  
16 that is not an integral part of a voting system, but that can  
17 be used as an adjunct to it, is considered to be a component  
18 of the system, including any type of system that is designed  
19 to print or mark ballots at a polling location."

20           Section 11. Section 1-9-5 NMSA 1978 (being Laws 1969,  
21 Chapter 240, Section 188, as amended) is amended to read:

22           "1-9-5. REQUIREMENT TO USE VOTING SYSTEMS.--

23           A. Certified voting systems shall be used in all  
24 polling locations in all statewide elections.

25           B. The secretary of state shall provide to the

1 county clerk of each county at least one voting system for use  
2 in each polling location in the general and primary elections.

3 C. The county clerk shall ensure that an adequate  
4 number of voting booths are provided to ensure that voters in  
5 each polling location may cast their ballots in secret."

6 Section 12. Section 1-9-7 NMSA 1978 (being Laws 1969,  
7 Chapter 240, Section 190, as amended) is amended to read:

8 "1-9-7. VOTING SYSTEMS--ACQUISITION.--

9 A. The secretary of state shall provide to the  
10 county clerk of each county a sufficient number of voting  
11 systems as required by the Election Code for the conduct of  
12 primary and general elections.

13 B. When authorized by the state board of finance,  
14 the board of county commissioners may acquire new or  
15 previously owned voting systems. No less than ninety days  
16 prior to each primary and general election, the board of  
17 county commissioners of each county may make application to  
18 the state board of finance for any additional voting systems  
19 to be acquired by a county in excess of the number of voting  
20 systems required by the Election Code for the conduct of  
21 primary and general elections.

22 C. The additional voting systems shall be of a  
23 type certified by the secretary of state. They shall be  
24 purchased by the state board of finance. The cost of the  
25 voting systems, including all transportation costs, shall be

1 paid out of the voting system revolving fund. The state board  
2 of finance shall cause to be delivered to each county clerk  
3 the additional voting systems.

4 D. Except for intercounty acquisitions of  
5 equipment approved by the secretary of state, a previously  
6 owned voting system shall have a warranty equal to the  
7 warranty required of a new voting system."

8 Section 13. Section 1-9-7.1 NMSA 1978 (being Laws 2005,  
9 Chapter 270, Section 56, as amended) is amended to read:

10 "1-9-7.1. VOTING SYSTEM--USE OF PAPER BALLOT.--

11 A. All voting systems used in elections covered by  
12 the Election Code shall use a paper ballot on which the voter  
13 physically or electronically marks the voter's choices on the  
14 ballot itself.

15 B. The secretary of state shall purchase the paper  
16 ballots for all counties to use for primary and general  
17 elections. If a system designed to print ballots at a polling  
18 location is certified and the voting system certification  
19 committee finds that its use in a polling place would result  
20 in cost savings, the secretary of state shall acquire such  
21 systems and paper ballot stock in lieu of fully preprinted  
22 paper ballots for those polling places where cost savings  
23 would be realized.

24 C. The paper ballot shall be used in a recount  
25 proceeding, and in case of a discrepancy, the paper ballot

1 shall be considered the true and correct record of the voter's  
2 choices."

3 Section 14. Section 1-9-7.2 NMSA 1978 (being Laws 2005,  
4 Chapter 270, Section 57) is amended to read:

5 "1-9-7.2. VOTING SYSTEMS--TESTING OF PREVIOUSLY  
6 CERTIFIED SYSTEMS.--The secretary of state may voluntarily  
7 test and certify voting systems without an application by the  
8 manufacturer if the system has been previously certified by  
9 the United States election assistance commission. Tests and  
10 inspections conducted pursuant to this section shall follow  
11 the procedures in Section 1-9-14 NMSA 1978 and shall be  
12 completed within six months of the date on which the secretary  
13 of state orders testing to begin; provided, however, if the  
14 manufacturer has not applied for certification of that voting  
15 system, the manufacturer shall not be required to pay for the  
16 costs of testing and certification."

17 Section 15. Section 1-9-12 NMSA 1978 (being Laws 1975,  
18 Chapter 255, Section 120, as amended) is amended to read:

19 "1-9-12. CARE AND CUSTODY OF REMOVABLE STORAGE MEDIA  
20 DEVICES--RESPONSIBILITY FOR TRANSPORTATION OF VOTING SYSTEMS--  
21 RESPONSIBILITY FOR SECURITY AND PROGRAMMING--CHARGE FOR SUCH  
22 TRANSPORTATION OR PROGRAMMING.--

23 A. The county clerk shall be responsible for  
24 transporting all voting systems to and from polling places.

25 B. The county clerk shall have care and custody of

1 and be responsible for the removable storage media devices for  
2 all voting systems in the custody of the county and shall be  
3 responsible for the programming of the systems.

4 C. When voting systems are used in any election,  
5 the county clerk shall assure the security of the removable  
6 storage media devices at all times during the period the  
7 voting systems are being programmed and until the votes  
8 recorded on the removable storage media devices are cleared  
9 pursuant to Section 1-13-21 NMSA 1978. The county clerk may  
10 give written authorization in advance to program the removable  
11 storage media devices outside of the county seat, and a copy  
12 of the authorization with the programmer named therein shall  
13 be kept on file in the county clerk's office subject to public  
14 inspection.

15 D. Failure of the county clerk to assure the  
16 security of voting system removable storage media devices in  
17 the county clerk's custody shall constitute a neglect to  
18 discharge the duties of the clerk's office.

19 E. A reasonable fee may be charged by the county  
20 for the transportation and programming of the voting systems  
21 when used pursuant to Section 1-9-6 NMSA 1978, but in no case  
22 shall such fee exceed the actual cost to the county."

23 Section 16. Section 1-9-13 NMSA 1978 (being Laws 1975,  
24 Chapter 255, Section 121, as amended) is amended to read:

25 "1-9-13. VOTING SYSTEM TECHNICIANS.--



1           A. Voting system technicians shall be trained and  
2 certified by the secretary of state as to their adequacy of  
3 training and expertise on voting systems certified for use in  
4 the state.

5           B. The secretary of state shall train and  
6 recertify voting system technicians prior to each primary  
7 election.

8           C. For purposes of this section, "voting system  
9 technician" means any person who is trained and certified to  
10 program, inspect, properly store and troubleshoot voting  
11 systems.

12           D. The secretary of state shall adopt rules  
13 regulating the scope of training provided to voting system  
14 technicians to ensure that voting system warranties are not  
15 invalidated and that equipment owned by the state is  
16 protected."

17           Section 17. Section 1-9-14 NMSA 1978 (being Laws 1983,  
18 Chapter 226, Section 1, as amended) is amended to read:

19           "1-9-14. VOTING SYSTEMS--AUTHORITY OF THE SECRETARY OF  
20 STATE TO TEST--CERTIFICATION.--

21           A. The secretary of state shall provide for the  
22 testing and evaluation of voting systems designed for the  
23 purpose of recording and tabulating votes within polling  
24 places in New Mexico. All voting systems certified for use in  
25 the state shall be tested by an independent authority and

1 shall comply with all requirements in the Election Code and  
2 the most recent voluntary voting system guidelines adopted by  
3 the United States election assistance commission.

4 B. Any person who has a voting system that is  
5 designed for the purpose of recording and tabulating votes  
6 within a polling place may apply on or before June 1 of any  
7 odd-numbered year to the secretary of state to have the  
8 equipment examined and tested for certification. At the time  
9 application is made for initial certification, the applicant  
10 shall pay for testing each system in an amount that reflects  
11 the actual cost of such test. Upon receipt of the  
12 application, the secretary of state shall examine and study  
13 the voting system to ensure that it complies with all  
14 requirements in the Election Code and the most recent  
15 voluntary voting system guidelines adopted by the United  
16 States election assistance commission. As part of the  
17 examination, the secretary of state shall require the system  
18 to be independently inspected by persons or testing  
19 laboratories technically qualified to evaluate and test the  
20 operation and component parts of voting systems and shall  
21 require a written report on the results of such testing. The  
22 secretary of state may authorize field testing of the  
23 equipment in one or more polling places in any state or local  
24 government election, provided that such field tests shall be  
25 conducted at no cost to the state or any local government.

1 These tests and inspections shall be completed within six  
2 months of the date of application.

3 C. Upon completion of all tests and examination of  
4 all written test reports, the secretary of state shall make a  
5 written report of the result of the findings and shall file  
6 that report, together with the written test reports, in the  
7 office of the secretary of state and post them on the  
8 secretary of state's web site. The secretary of state shall  
9 accept public comment during the twenty-one days following the  
10 filing of the written report.

11 D. Following the period of public comment, the  
12 secretary of state shall submit the filed reports and any  
13 public comments for consideration by the voting system  
14 certification committee. The voting system certification  
15 committee shall make recommendations regarding the suitability  
16 and reliability of the use of such equipment in the conduct of  
17 elections under the Election Code.

18 E. The voting system certification committee shall  
19 recommend that a voting system be certified for use in the  
20 state only if it complies with all requirements in the  
21 Election Code and the most recent voluntary voting system  
22 guidelines adopted by the United States election assistance  
23 commission.

24 F. If the voting system certification committee  
25 report finds that the voting system does not comply with all

1 requirements in the Election Code or does not meet federal  
2 election standards, the secretary of state shall allow thirty  
3 days for an appeal of the findings to be filed or for the  
4 deficiencies to be corrected, following which the secretary of  
5 state shall report back to the voting system certification  
6 committee with a written final report.

7 G. The voting system certification committee shall  
8 reconvene to consider the final report of the secretary of  
9 state and shall make final recommendations regarding the  
10 suitability and reliability of the use of such equipment in  
11 the conduct of elections under the Election Code.

12 H. If the voting system certification committee  
13 recommends that the voting system is suitable for use in  
14 elections in New Mexico, within thirty days of receiving the  
15 recommendation, the secretary of state shall certify or  
16 recertify the equipment for use in elections in this state.

17 I. If the voting system certification committee  
18 does not recommend that the voting system for recording and  
19 tabulating votes is suitable for use in elections in New  
20 Mexico, within thirty days of receiving the recommendation,  
21 the secretary of state shall deny the application or decertify  
22 the equipment for use in elections in this state."

23 Section 18. Section 1-9-17 NMSA 1978 (being Laws 1985,  
24 Chapter 207, Section 16, as amended) is amended to read:

25 "1-9-17. ADDITIONAL VOTING SYSTEMS--STATE BOARD OF

1 FINANCE--LEASE-PURCHASE CONTRACT--TERMS.--

2 A. The state board of finance shall execute a  
3 lease-purchase contract with the county for purchase of  
4 additional voting systems and the necessary support equipment  
5 upon receipt of the application of the board of county  
6 commissioners pursuant to Section 1-9-7 NMSA 1978.

7 B. The lease-purchase contract shall include, but  
8 not be limited to, the following terms:

9 (1) the county agrees to purchase from the  
10 state board of finance the specified number of voting systems  
11 and the necessary support equipment;

12 (2) the county will pay for the cost of the  
13 systems and support equipment, including reimbursement for  
14 costs of transportation;

15 (3) the term of the lease-purchase contract  
16 shall not exceed ten years;

17 (4) the care, custody and proper storage of  
18 the systems and support equipment pursuant to specifications  
19 issued by the secretary of state is the responsibility of the  
20 county clerk; and

21 (5) upon good cause shown, the terms of the  
22 lease-purchase contract may, at any time, be renegotiated."

23 Section 19. Section 1-9-17.1 NMSA 1978 (being Laws  
24 2009, Chapter 173, Section 1) is amended to read:

25 "1-9-17.1. VOTING SYSTEMS--RENEGOTIATION OF LEASE-

1 PURCHASE CONTRACT--DISPOSITION OF VOTING SYSTEMS.--

2 A. A lease-purchase contract for a voting system  
3 entered into between the state board of finance and a county  
4 pursuant to Section 1-9-17 NMSA 1978, after a renegotiation  
5 pursuant to Paragraph (5) of Subsection B of that section, may  
6 include provisions providing that, upon the return of physical  
7 control of the voting systems to the state board of finance,  
8 the contract shall be terminated and no additional payments  
9 from the county shall be due. The state board of finance may  
10 dispose of voting systems returned pursuant to this subsection  
11 in any manner that is consistent with the interests of the  
12 state.

13 B. Upon application by the board of county  
14 commissioners, the secretary of state shall dispose of voting  
15 systems and support equipment purchased after January 1, 2007  
16 by the board of county commissioners. The application shall  
17 include a provision for the transfer of ownership in the  
18 voting systems to the state without fee or compensation to the  
19 county."

20 Section 20. Section 1-9-19 NMSA 1978 (being Laws 1985,  
21 Chapter 207, Section 18, as amended) is amended to read:

22 "1-9-19. VOTING SYSTEM REVOLVING FUND.--

23 A. The "voting system revolving fund" is created.  
24 The voting system revolving fund may be used:

25 (1) by the secretary of state to pay for

1 hardware, software, firmware, maintenance and support for  
2 voting systems, whether state- or county-owned, certified for  
3 use in state elections; and

4 (2) by the counties to finance, by contract,  
5 the purchase of voting systems and necessary support equipment  
6 under the conditions stated in Section 1-9-17 NMSA 1978;  
7 provided that no expenditure shall be made pursuant to this  
8 paragraph if it would result in a fund balance of less than  
9 one million dollars (\$1,000,000).

10 B. The voting system revolving fund may be  
11 expended upon vouchers signed by the secretary of finance and  
12 administration.

13 C. If at the end of a fiscal year the voting  
14 system revolving fund exceeds six million five hundred  
15 thousand dollars (\$6,500,000), the amount in excess of six  
16 million five hundred thousand dollars (\$6,500,000) shall  
17 revert to the general fund."

18 Section 21. TEMPORARY PROVISION--RECOMPILATION.--  
19 Section 1-9-4.2 NMSA 1978 (being Laws 2003, Chapter 356,  
20 Section 34, as amended) shall be recompiled as part of Chapter  
21 1, Article 1 NMSA 1978.

22 Section 22. REPEAL.--Sections 1-9-2, 1-9-4.1, 1-9-8,  
23 1-9-15 and 1-9-16 NMSA 1978 (being Laws 1969, Chapter 240,  
24 Section 185, Laws 2001, Chapter 233, Section 15, Laws 1969,  
25 Chapter 240, Section 191 and Laws 1985, Chapter 207, Sections

1 14 and 15, as amended) are repealed.


2 Section 23. EFFECTIVE DATE.--The effective date of the  
3 provisions of Section 13 of this act is January 1, 2011.


4 Section 24. EMERGENCY.--It is necessary for the public  
5 peace, health and safety that this act take effect  
6 immediately. \_\_\_\_\_

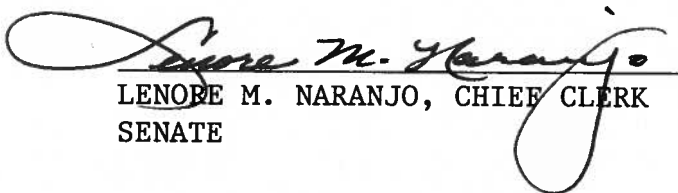
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BEN LUJAN, SPEAKER  
HOUSE OF REPRESENTATIVES

  
STEPHEN R. ARIAS, CHIEF CLERK  
HOUSE OF REPRESENTATIVES

  
DIANE D. DENISH, PRESIDENT  
SENATE

  
LENORE M. NARANJO, CHIEF CLERK  
SENATE

Approved by me this 3rd day of March, 2010

  
BILL RICHARDSON, GOVERNOR  
STATE OF NEW MEXICO

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