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AN ACT

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

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,

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

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

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

15 "1-9-7.1. VOTING SYSTEM--USE OF PAPER BALLOT.--

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

24 (1) to replace the voting systems;

25 (2) to acquire the necessary software;

