

**FORTY-EIGHTH LEGISLATURE  
FIRST SESSION, 2007**

February 8, 2007

Mr. Speaker:

Your **VOTERS AND ELECTIONS COMMITTEE**, to whom has been referred

**HOUSE BILL 698**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 21, strike "statewide" and insert in lieu thereof "state".

2. On page 2, line 1, after "shall" strike the remainder of the line, strike line 2 up to "an" and insert in lieu thereof "file notice with the state canvassing board that".

3. On page 2, line 3, strike "county canvassing boards" and insert in lieu thereof "state canvassing board".

4. On page 2, line 6, strike "not".

5. On page 2, line 7, strike "Section" and insert in lieu there of "Sections".

6. On page 2, line 8, after "1-14-16" insert "and 1-14-18 through 1-14-22".

7. On page 2, line 8, after the period strike the remainder of the line, strike lines 9 through 19 in their entirety and strike line 20 up to the ending quotation mark.

8. On page 3, between lines 14 and 15, insert the following section to read:

"Section 4. Section 1-14-16 NMSA 1978 (being Laws 1969, Chapter 240, Section 345, as amended) is amended to read:

"1-14-16. RECOUNT OR RECHECK PROCEEDINGS--STATE.--

A. Immediately after filing of the application for recount or recheck, the state canvassing board shall issue a summons directed to the precinct board of each precinct specified in the application commanding it to appear at the county seat of the county wherein the precinct is situated on a day fixed in the summons,

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which date shall not be more than ten days after the filing of the application for a recount or recheck. The summons shall be forwarded to the county clerk of the concerned county.

B. Upon receipt of the summons, the county clerk shall deliver it to the sheriff, who shall forthwith personally serve it upon each of the precinct board members. The county clerk shall thereupon send notices by registered mail of the date fixed for recount or recheck to the district judge for the county and to the county [~~chairman~~] chair of each of the political parties that participated in the election in that precinct.

C. The precinct boards, the district judge and the county clerk shall meet at the county courthouse at 10:00 a.m. on the date fixed for the recount or recheck, and the ballot boxes [~~or voting machines~~] of the precincts involved in the recount or recheck shall be opened. The precinct boards shall recount and retally the [~~emergency paper ballots or the absentee~~] ballots, or recheck the votes cast on the voting machine, as the case may be, for the office in question in the presence of the county clerk, the district judge or the person designated to act for [~~him~~] the district judge and any other person who may desire to be present.

D. During the recount or recheck, the precinct board [~~of a precinct where emergency paper ballots or absentee ballots were used~~] shall recount and retally only the ballots [~~which~~] that the presiding judge accepted and placed in the ballot box as legal ballots at the time they were cast or received, as the case may be.

E. After completion of the recount or recheck, the precinct board shall replace the [~~emergency paper ballots or absentee~~] ballots in the ballot box and lock it, [~~or the voting machines shall be locked and resealed~~] and the precinct board shall certify to the secretary of state the results of the recount or recheck. The district judge, or the person designated to act for [~~him~~] the district judge, and the county clerk shall also certify that the recount or recheck was made in their presence."".

9. Renumber the succeeding section accordingly.,

and thence referred to the **APPROPRIATIONS AND FINANCE COMMITTEE**.

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Respectfully submitted,

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**Jose A. Campos, Chairman**

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 4 Against  
Yes: 8  
No: Foley, McCoy, Tyler, Youngberg  
Excused: Arnold-Jones, Rehm  
Absent: None

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