

1 SENATE BILL 108

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 George K. Muñoz and Nancy Rodriguez

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10 AN ACT

11 RELATING TO THE ELECTION FUND; CREATING A DISTRIBUTION TO THE
12 ELECTION FUND TO ENSURE THAT THE BALANCE OF THE FUND AT THE END
13 OF A FISCAL YEAR IS TWENTY MILLION DOLLARS (\$20,000,000).

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 1-11-19 NMSA 1978 (being Laws 2018,
17 Chapter 79, Section 33, as amended) is amended to read:

18 "1-11-19. COSTS OF ELECTIONS--ELECTION FUND.--

19 A. There is created in the state treasury the
20 "election fund" solely for the purposes of:

21 (1) paying the costs of conducting and
22 administering statewide elections required by the Election
23 Code;

24 (2) reimbursing the counties for the costs of
25 conducting and administering statewide elections required by

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1 the Election Code;

2 (3) paying the administrative costs of the
3 office of the secretary of state for administering elections
4 required by the Election Code and for administering the
5 election fund; and

6 (4) carrying out all other specified
7 provisions of the Election Code not already covered by another
8 fund administered by the secretary of state.

9 B. The state treasurer shall invest the election
10 fund as other state funds are invested, and all income derived
11 from the fund shall be credited directly to the fund.

12 Remaining balances at the end of a fiscal year shall remain in
13 the fund and not revert to the general fund. Money in the fund
14 is appropriated to the office of the secretary of state for the
15 purposes authorized in Subsection A of this section. Money in
16 the fund shall only be expended on warrants of the department
17 of finance and administration pursuant to vouchers signed by
18 the secretary of state or the secretary's designee.

19 C. Money received from the following sources shall
20 be deposited directly into the election fund:

21 (1) money appropriated to the fund by the
22 legislature;

23 (2) reimbursements from the state or a local
24 government for elections costs;

25 (3) federal funds received by the state that

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1 are designated by the federal government or the state executive
2 for elections or that have been appropriated by the legislature
3 for election purposes;

4 (4) grants or capital outlay funds received by
5 a county clerk for which the secretary of state has agreed to
6 serve as the fiscal agent; ~~and~~

7 (5) grants or capital outlay funds received by
8 the secretary of state for the purposes of Subsection A of this
9 section and not designated for any other fund; and

10 (6) money distributed to the fund pursuant to
11 Section 2 of this 2024 act.

12 D. The secretary of state may submit a budget
13 adjustment request to use money in the election fund for the
14 purposes authorized in Subsection A of this section beyond a
15 five percent variance from the approved elections budget for
16 the current fiscal year.

17 E. If the current year balances in the election
18 fund do not cover the costs of elections, the secretary of
19 state may apply to the state board of finance for an emergency
20 grant to cover those costs pursuant to Section 6-1-2 NMSA
21 1978."

22 SECTION 2. A new section of the Tax Administration Act is
23 enacted to read:

24 "[NEW MATERIAL] DISTRIBUTION--ELECTION FUND.--At the end
25 of a fiscal year and after all other money has been deposited
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1 in the election fund for that fiscal year, as provided by law,
2 a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
3 made to the fund in an amount necessary to bring the balance of
4 the fund to twenty million dollars (\$20,000,000)."

5 SECTION 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2024.

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