

New Mexico State Canvassing Board

Cost Determination for Recheck, Recount, and Impoundment

All costs are valid upon approval of the state canvassing board for elections conducted through March 15, 2026.

Cost Determination Voting Machine Recheck (§1-13-10(A) NMSA 1978)

Pursuant to §1-13-10(A) and §1-14-15 NMSA 1978, the state canvassing board shall determine the estimated actual cost of a recheck per voting machine.

According to §1-1-6(A)NMSA 1978, "Recheck" pertains to electronic vote tabulating systems and means a verification procedure whereby a printout of the electronic record of votes cast in an election is made from each electronic memory device in the electronic vote tabulating system and the results are compared with the results shown on the official returns.

In the context of this document:

- The term "voting machine" is synonymous with "vote tabulating system;" and
- A "vote tabulating system" is an electronic system used to scan and interpret paper ballots and aggregate the votes cast by individual voters to produce vote totals.
- Each voting machine contains an electronic memory device which can be read to generate a results printout that can be compared to the original result printout or, if all electronic memory devices used in a particular election are read, the results can be compared to the official returns as a "recheck."

The estimated actual cost of rechecking a voting machine is calculated using the maximum compensation allowed for a five-member recount precinct board compensated as election board members working at alternate or absent voter precincts at double the minimum wage of the state of New Mexico pursuant to NMAC 1.10.36.7(A)(2)¹.

The minimum cost to convene a five-member recount precinct board consisting of (1) a presiding judge, (2) two election judges, and (3) two election clerks convened for an eight-hour day to recheck a voting machine is \$960.

Additional voting machine rechecks may be completed without incurring additional costs if work is completed in a single eight-hour day by the five-member election board. A five-member election board is capable of rechecking one voting machine at an average rate of 20-30 minutes² per

¹ Double the current New Mexico minimum wage is \$24 per hour ((8 hours * \$24) * 5 board members = \$960 per day)

² The estimate includes ICE voting machine boot up and result tape print out time which will vary depending upon the size of the election.

machine which averages to 50 voting machines per day with the recount precinct board operating two machines simultaneously.

The applicant requesting a recheck shall provide the county clerk, or the secretary of state in the case of an office for which the state canvassing board issues the certificate of nomination or election, with the scope of voting machines included in their recheck request. Based upon the approved formula³, the county clerk, or the secretary of state (if state canvassing board issues certificate of nomination or election), shall calculate the estimated number of days to complete the recheck and provide a written estimate to the applicant.

Prior to any recheck and comparison of returns being made, the applicant shall deposit the sum of money or a surety bond with the proper county or state canvassing board.

If the recheck alters the winner of the election, the deposit or surety bond shall be returned and the cost of the recheck shall be paid by the county (or state if the state canvassing board issues the certification of nomination or election).

If the recheck does not alter the winner of the election, the deposit or surety bond shall be forfeited, and all additional actual costs shall be paid by the applicant. In addition to the deposit or surety bond, additional actual costs may include any docket fees, mileage of the sheriff in serving summons and fees and mileage of recount precinct board members in accordance with §1-14-15(D) NMSA 1978.

In any case, if the recheck is completed in fewer days than was estimated by the county clerk or secretary of state, the deposit overage shall be returned to the applicant.

Cost Determination Election Recount (NMSA 1-14-15)

Pursuant to §1-14-15(A) NMSA 1978, the state canvassing board shall determine the estimated actual cost of a recount per polling place and for mailed ballots.

According to §1-1-6(B) NMSA 1978, "recount" pertains to all paper ballots, including absentee ballots, provisional paper ballots, optical scan paper ballots and any other paper ballot and means a verification procedure whereby the voters' selections for an office are retallied and the results compared with the results shown on the official returns.

The estimated actual cost of a recount per polling place and for mailed ballot includes:

- Flat rate voting machine programming costs – \$4,100⁴ per recount project
- Five-member recount precinct board – \$960 per eight-hour day

The recount precinct board shall consist of: (1) a presiding judge, (2) two election judges, and (3) at least two election clerks compensated using the maximum compensation allowed for a five-

³ \$960 per day of up to 50 voting machines per day

⁴ Voting machine programming cost is \$820 per day with most recount projects requiring five days to complete which includes internal programming, removable media programming, testing, and delivery.

member recount precinct board compensated as election board members working at alternate or absent voter precincts at double the minimum wage of the state of New Mexico pursuant to NMAC 1.10.36.7(A)(2)⁵.

The estimated cost to conduct a recount assumes that a five-member precinct board can re-tally approximately 400 ballots through a voting machine per eight-hour day.

The applicant requesting a recount shall provide the county clerk, or the secretary of state in the case of an office for which the state canvassing board issues the certificate of nomination or election, with the scope of the recount being requested. Based upon the approved formula, the county clerk, or the secretary of state (if state canvassing board issues certificate of nomination or election), shall review the number of ballots to be re-tallied based upon the official returns and calculate the estimated number of days to complete the recount and provide a written estimate of recount costs to the applicant.

Prior to any recount, the applicant shall deposit the sum of money or a surety bond with the proper county or state canvassing board.

If it appears that error or fraud sufficient to change the winner of the election has been committed, the deposit or surety bond shall be returned, and the cost of the recount shall be paid by the county (or state if the state canvassing board issues the certification of nomination or election).

If no error or fraud appears sufficient to change the winner, the deposit or surety bond shall be forfeited, and all additional actual costs shall be paid by the applicant. In addition to the deposit or surety bond, additional actual costs may include any docket fees, mileage of the sheriff in serving summons and fees and mileage of recount precinct board members in accordance with §1-14-16(D) NMSA 1978.

In any case, if the recount programming costs are less than the estimated cost or the recount is completed in fewer days than was estimated by the county clerk or secretary of state, the deposit overage shall be returned to the applicant.

Cost Determination for Ballot Impoundment (NMSA 1-14-9(D))

Pursuant to §1-14-9(D) NMSA 1978, the state canvassing board shall determine the estimated actual cost of impoundment per polling place and for mailed ballots.

Pursuant to §1-14-9(B) NMSA 1978 a candidate in an election may petition the court for an order impounding ballots in one or more precincts or polling places within which the candidate's name appeared on the ballot. The petition must be accompanied by a cash deposit or surety bond to cover the cost of guarding and preserving the impounded ballots.

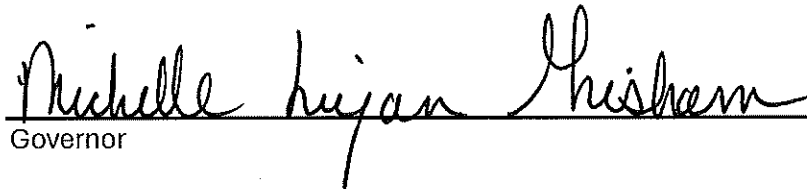
The cost determination for ballot impoundment includes the cost for the county clerk or clerk's agent, calculated using the maximum rate of an election board member serving at alternate or

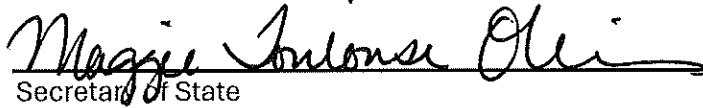
⁵ Double the current New Mexico minimum wage is \$24 per hour ((8 hours * \$24) * 5 board members = \$960 per day)

absent voter precincts at double the minimum wage of the state of New Mexico pursuant to NMAC 1.10.36.7(A)⁶ which would be \$192 per eight-hour day, to ensure guarding and preserving the impounded ballots for the duration of the order for impoundment. Pursuant to §1-14-11 NMSA 1978, an order for impoundment grants access and inspection for ten days unless good cause is shown for an extension of time. Therefore, the cost for a ten-day impoundment is an estimated actual cost of \$1,920.

If the court extends the time of the petition, an additional deposit or surety bond at a cost of \$192 per day is required for each day extended up to a maximum of 30 days after the entry of the original order of impoundment.

Approved by the New Mexico State Canvassing Board on March 11, 2024:


Governor


Secretary of State


Chief Justice of the New Mexico Supreme Court

⁶ Double the current minimum wage is \$24 per hour ($\$24 * 8 \text{ hours} = \192 per day)