

RESOLUTION NO. 2018-28

ADOPTING RECOUNT/RECHECK COSTS FOR THE REGULAR MUNICIPAL ELECTION TO BE HELD ON MARCH 5, 2019.

WHEREAS, the Town of Silver City will hold a regular municipal election on March 5, 2019;
and

WHEREAS, there is always a potential for a recount or recheck at each election; and

WHEREAS, Section 1-14-15 NMSA 1978 establishes that certain deposits are required for a recount/recheck, but does not specify actual costs; and

WHEREAS, on March 8, 2018 the New Mexico State Canvassing Board established a Determination of the Estimated Actual Cost of Recount and Recheck Proceedings for elections conducted through March 15, 2020; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SILVER CITY, NEW MEXICO, that the Determination of Estimated Actual Cost of Recount/Recheck Proceedings established by the New Mexico State Canvassing Board be adopted as the Recount/Recheck Proceedings costs for the March 5, 2019 Regular Municipal Election.

BE IT FURTHER RESOLVED that a copy of the Determination of Estimated Actual Cost of Recount/Recheck Proceedings be attached to this resolution as Appendix "A".

PASSED, APPROVED AND ADOPTED this 27th day of November, 2018.

(Seal)

/s/ _____
Ken Ladner, Mayor
Attest:

/s/ _____
Ann L. Mackie, Town Clerk



New Mexico State Canvassing Board

Cost Determinations – Estimated Actual Cost of Recount & Recheck Proceedings

1 INTRODUCTION

Pursuant to §1-14-15 NMSA 1978, the state canvassing board shall determine the estimated actual cost of a recount per precinct and a recheck per voting machine no later than March 15 of even-numbered years. The costs are valid upon approval of the state canvassing board for elections conducted through March 15, 2020.

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.

An applicant for a recount or recheck shall deposit with the proper canvassing board or, in the case of an office for which the state canvassing board issues a certificate of nomination or election, with the secretary of state sufficient cash, or a sufficient surety bond, to cover the cost of the recount or recheck.

Additionally, if no error or fraud appears to be sufficient to change the winner, the costs and expenses for the recount or recheck shall be paid by the applicant. Costs shall consist of any docket fees, mileage of the sheriff in serving summons and fees and mileage of precinct board members, at the same rates allowed witnesses in civil actions. §1-14-15(D) NMSA 1978.

Pursuant to §1-1-6 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.

“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 re-tallied and the results compared with the results shown on the official returns.

2 RECHECK COSTS PER VOTE TABULATING SYSTEM

2.1 RECHECK: ESTIMATED ACTUAL MINIMUM COSTS

The estimated actual minimum cost of rechecking a vote tabulating system, is \$1,000 which is the daily per diem cost for a five member precinct board. Additional vote tabulating system rechecks may be completed without incurring additional costs as long as work is completed in a single day by the five member precinct board.

Additionally, pursuant to §1-14-15(D) NMSA 1978, if no error or fraud appears to be sufficient to change the winner, additional costs to be paid by the applicant seeking the recheck shall consist of docket fees, mileage of the sheriff in serving summons and fees and mileage of precinct board members, at the same rates allowed witnesses in civil actions.

2.2 RECHECK: EXPLANATION OF ESTIMATED ACTUAL MINIMUM COSTS

- Precinct Board - \$1,000 per day.
 - A precinct board is established pursuant to the provisions of §1-2-12 and §1-14-16 NMSA 1978 to conduct all rechecks and shall minimally consist of four members as follows:
 - A presiding judge;
 - Two election judges; and
 - One election clerk.
 - Members of a precinct board may be paid up to \$200 per day pursuant to §1-2-16(A) NMSA 1978.
 - For purposes of the determination of estimated costs, a five person precinct board is the optimal minimum number of precinct board members necessary to run a recheck.
 - Depending on the scope of the recheck, pursuant to §1-2-12(E), precinct boards may include additional county clerk employees to assist a precinct board.
 - Pursuant to §1-2-12(B) and §1-14-16(B) NMSA 1978, the county clerk shall establish the makeup of precinct boards and the conduct of a recheck proceeding in accordance with applicable law.
 - The makeup of precinct boards and the conduct of a recheck proceeding may impact the actual costs associated with a recount.
 - Additional precinct board members or rechecks that last beyond one day will increase actual costs.

3 RECOUNT COSTS PER PRECINCT

3.1 RECOUNT: ESTIMATED ACTUAL MINIMUM COST PER PRECINCT

The estimated actual cost of conducting a recount per precinct is \$3,400 and includes the following estimated minimum costs:

- Election setup and vote tabulating system programming and certification - \$1,440.
- Vote tabulating system technical support - \$960 per day.
- Five member precinct board - \$1,000 per day.

Daily rate cost is used to estimate the actual cost of a recount; however, the lower of the daily rate versus the hourly rate will be used to charge the candidate.

Additionally, pursuant to §1-14-15(D) NMSA 1978, if no error or fraud appears to be sufficient to change the winner, additional costs to be paid by the applicant seeking the recount shall consist of docket fees, mileage of the sheriff in serving summons and fees and mileage of precinct board members, at the same rates allowed witnesses in civil actions.

3.2 RECOUNT: EXPLANATION OF ESTIMATED ACTUAL MINIMUM COST PER PRECINCT

Costs for election setup and vote tabulating system programming, support, and certification are established pursuant to the executed price agreement in place at the time the State Canvassing Board signs the order. Costs will be charged at an hourly rate or daily rate, depending upon which rate results in the lower cost to pay for the recount proceedings.

Price Agreement Costs are:

Service	Hourly Rate	Daily Rate**
Senior Project Manager/ Senior Technical Support	\$180	\$1,440
Election Project Coordinator	\$150	\$1,200
Technical Support Manager	\$120	\$960
Ballot Programmer	\$105.20	\$820

**Daily Rate shall be defined as no fewer than four and no greater than 16 hours of direct on-site work in a single calendar day.

- Depending upon the scope of the recount and the total number of ballots included in the recount, additional costs may be incurred as determined by the county clerk and the secretary of state. Typical additional costs include daily rate for the precinct board and costs incurred for vote tabulating system technical support if the recount extends beyond one day. Costs to support a multi-county or statewide recount may require additional support and will be charged pursuant to listed price agreement costs.
- Additional precincts may be included in the recount without incurring additional costs as long as work is completed in a single day by the established precinct board.

- Precinct Board
 - A precinct board is established pursuant to the provisions of §1-2-12 NMSA 1978 and §1-14-16 to conduct all recounts and shall minimally consist of four members as follows:
 - A presiding judge;
 - Two election judges; and
 - One election clerk.
 - Members of a precinct board may be paid up to \$200 per day pursuant to §1-2-16 NMSA 1978.
 - For purposes of the determination of estimated costs, a five person precinct board is the optimal minimum number of precinct board members necessary to re-tally votes during a recount.
 - Depending on the scope of the recheck, pursuant to §1-2-12(E), precinct boards may include additional county clerk employees to assist a precinct board.
 - Pursuant to §1-2-12(B) and §1-14-16(B) NMSA 1978, the county clerk shall establish the makeup of precinct boards and the conduct of a recheck proceeding in accordance with applicable law.
 - The makeup of precinct boards and the conduct of a recount proceeding may impact the actual costs associated with a recount.
 - Recounts that include additional precincts may require more members and/or more days, which may increase the actual cost of the recount.
 - A hand tally of ballots is likely to require additional time and effort, which may increase costs.

Approved by the New Mexico State Canvassing Board on March 8, 2018:

Susana Martinez, Governor

Maggie Toulouse Oliver

Maggie Toulouse Oliver, Secretary of State

Judith K. Nakamura

Judith K. Nakamura, Chief Justice of the New Mexico Supreme Court