

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 24 REFERENDUM PETITION PROCEDURES

1.10.24.1 ISSUING AGENCY: Office of the Secretary of State
[1.10.24.1 NMAC - N, 04-15-2004]

1.10.24.2 SCOPE: This rule applies to any referendum filed with the office of the secretary of state pursuant to Article IV, Section 1 of the Constitution of New Mexico and pursuant to the provisions of Section 1-17-1 through 1-17-14, NMSA 1978.
[1.10.24.2 NMAC - N, 04-15-2004]

1.10.24.3 STATUTORY AUTHORITY: Election Code, Section 1-2-1 A (2), NMSA 1978. The issuing authority shall adopt rules and regulations to carry out the provisions of the Election Code.
[1.10.24.3 NMAC - N, 04-15-2004]

1.10.24.4 DURATION: Permanent
[1.10.24.4 NMAC - N, 04-15-2004]

1.10.24.5 EFFECTIVE DATE: April 15, 2004 unless a later date is cited at the end of a section.
[1.10.24.5 NMAC - N, 04-15-2004]

1.10.24.6 OBJECTIVE: The objective of this rule is to establish administrative procedures for the review of signatures for referendum petitions.
[1.10.24.6 NMAC - N, 04-15-2004]

1.10.24.7 DEFINITIONS:

A. “Certified list” means the alphabetized listing of registered voters of a county that is under the signature and seal of the county clerk.

B. “Designated agent” means the sole individual authorized by the referendum sponsors to act on behalf of sponsors.

C. “Fictitious, forged or otherwise clouded signatures” means signatures including, but not limited to, the names of celebrities and actors that are not registered voters or qualified electors of New Mexico, cartoon characters, historical figures, animal companions or livestock, or any signature where the address is not legible and the signer could not be sufficiently identified by a judge.

D. “Petition” means the referendum form, approved and circulated pursuant to Article 17 of the Election Code.

E. “Petitioner” means an individual, group of persons or organization circulating a referendum petition pursuant to Article IV, Section 1 of the New Mexico Constitution and the provisions of Article 17 of the Election Code.

F. “Qualified elector” means any person qualified to vote under the provisions of the Constitution of New Mexico and the Constitution of the United States.

G. “Registered voter” means a qualified elector, registered to vote pursuant to the provisions of the Election Code.

H. “Signer” means a qualified elector or registered voter who signs his name to a referendum petition.

I. “Solicitor” means a person who circulates a referendum petition and requests the signatures of qualified electors or registered voters.

J. “Sponsor” means the individual, group of persons or organization circulating a referendum petition pursuant to Article IV, Section 1 of the New Mexico Constitution and the provisions of Article 17 of the Election Code.

[1.10.24.7 NMAC - N, 04-15-2004]

1.10.24.8 PETITION FILING:

A. Only the designated agent shall file the petition on behalf of the sponsors.

B. A referendum petition filed pursuant to Section 1-17-10 NMSA 1978, shall not be withdrawn nor added to at the time of initial filing, but may be later amended subject to the provisions of Section 1-17-12, NMSA 1978.

C. At the time of filing, the designated agent shall submit a certified list or the registered voters of each county represented in the petition. The certified list shall be in both electronic media and paper.

D. If a signer of a referendum petition is a qualified elector, but not a registered voter pursuant to the provisions of the Election Code (NMSA 1-1-1 through 1-24-4, NMSA 1978) the designated agent shall submit documentation that the signer is eighteen (18) years of age and a resident of the county listed above the signature of the signer. Acceptable documentation consists of a government issued verification of the age of the signer and other documents that indicate county of residence.

E. The secretary of state shall determine the acceptability of any documents submitted.
[1.10.24.8 NMAC - N, 04-15-2004]

1.10.24.9 PETITION VERIFICATION:

A. The secretary of state shall examine each page of the petition to determine the validity of signatures consistent with the requirements of Article 17 of the Election Code.

B. Fictitious, forged or otherwise clouded signatures shall be deleted from the petition consistent with Section 1-17-11, NMSA 1978.

[1.10.24.9 NMAC - N, 04-15-2004]

History of 1.10.24 NMAC: [RESERVED]