

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 10 ELECTIONS AND ELECTED OFFICIALS
PART 16 BALLOT QUESTIONS

1.10.16.1 ISSUING AGENCY: Office of the New Mexico Secretary of State.
[1.10.16.1 NMAC - N, 8/13/2019]

1.10.16.2 SCOPE: This rule applies to all state and local ballot questions.
[1.10.16.2 NMAC - N, 8/13/2019]

1.10.16.3 STATUTORY AUTHORITY: This rule is authorized by Sections 1-16-7 and 1-2-1, NMSA 1978.
[1.10.16.3 NMAC - N, 8/13/2019]

1.10.16.4 DURATION: Permanent.
[1.10.16.4 NMAC - N, 8/13/2019]

1.10.16.5 EFFECTIVE DATE: August 13, 2019, unless a later date is cited at the end of a section.
[1.10.16.5 NMAC - N, 8/13/2019]

1.10.16.6 OBJECTIVE: The purpose of this rule is to provide uniform guidelines on how state and local ballot questions are to appear on a ballot.
[1.10.16.6 NMAC - N, 8/13/2019]

1.10.16.7 DEFINITIONS:

A. “Ballot question” means a question submitted to the voters of the state or a local government on a ballot pursuant to the provisions of the Election Code and does not include a candidate nomination, election contest or nonpartisan judicial retention election.

B. “Condensed text” means a summary of a ballot question that is concise and states, in clear and unambiguous language, the purpose of the ballot question without argument or prejudice.

C. “Election official” means either the county clerk or municipal clerk.

D. “Local government ballot question” means any:

- (1) tax authorization for bond sales, mill levy or gross receipts tax, as provided by law;
- (2) recall of county, school board or certain municipal officers, as provided by law or by municipal home rule charter;
- (3) petition for the creation of a special district or consideration of a statutory local option, as provided by law;
- (4) referendum on local government taxation authority, as provided by law;
- (5) referendum on local government ordinances, as provided by the charter of a home rule municipality, by an incorporated or urban county, or otherwise provided by law;
- (6) change in the laws of a home rule municipality, as provided by the municipal charter or by law;
- (7) changes in the charter of an incorporated or urban county, as provided by the charter of the incorporated or urban county or by law; and
- (8) other questions, as provided by state statute or the constitution of New Mexico.

E. “State ballot question” means any:

- (1) proposed amendment to the constitution of New Mexico, as provided in a joint resolution passed by the legislature;
- (2) tax authorization for general obligation bonds or mill levy, as provided by law;
- (3) referendum, as provided in Article 4, Section 1 of the constitution of New Mexico; and
- (4) other questions, as provided by state statute or the constitution of New Mexico.

[1.10.16.7 NMAC - N, 8/13/2019]

1.10.16.8 TEXT OF THE BALLOT QUESTION:

A. In the interest of convenience and consistency, a ballot need not contain the full text of the proposed ballot question. A condensed text can be used as prepared or approved by the secretary of state.

B. The secretary of state shall approve the condensed text of any ballot question to be placed on a ballot.

C. The ballot question must be written in the form of a question, which must be answerable with a "For" or "Against." The ballot question must be styled in such a manner that a "For" vote will indicate approval of the question and an "Against" vote will indicate rejection.

D. The appropriate election official may submit a proposed form of the condensed text for a ballot question to the secretary of state. The proposed form of the condensed text shall properly describe the ballot question and include the required information in Subsection G of 1.10.16.8 NMAC. The proposed form of the condensed text need not contain any legally inoperable language. If an election official submits a proposed form of the condensed text to the secretary of state, an election official must also submit the full text of the ballot question simultaneously. The proposed form of the condensed text for a ballot question must be received by the secretary of state at least 67 days before the election on which the ballot question shall appear.

E. The full text of the ballot question shall be posted on the secretary of state's website and made available at the county clerk's office for inspection 10 days after the certification of the ballot question.

F. A copy of the full text of the proposed ballot question shall be posted in every polling place in a location that is easily accessible to the voters.

G. Each ballot question shall appear on the ballot containing the following information:

- (1) a question number
- (2) a brief designation of the source of the question;
- (3) a brief descriptive title in boldface type;
- (4) the full text or a condensed text of the ballot question; and
- (5) the voting choices available to the voter.

H. For a proposed constitutional amendment, the form of the ballot question shall include the full title of the joint resolution proposing the constitutional amendment and the constitutional amendment number assigned to the joint resolution by the secretary of state.

[1.10.16.8 NMAC - N, 8/13/2019]

1.10.16.9 **BALLOT POSITION:** Ballot questions shall be printed on the ballot in the order provided in Subsection D of Section 1-10-8 NMSA 1978.

[1.10.16.9 NMAC - N, 8/13/2019]

1.10.16.10 **SEVERABILITY CLAUSE:** If any part of this rule is declared unconstitutional by a court of competent jurisdiction, the remaining parts shall survive in full force and effect.

[1.10.16.10 NMAC - N, 8/13/2019]

History of 1.10.16 NMAC: [RESERVED]