TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 19 LOCAL GOVERNMENT RECORDS RETENTION AND DISPOSITION SCHEDULES (LGRRDS)
PART 3 LGRRDS, OFFICE OF THE COUNTY CLERK

1.19.3.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[1.19.3.1 NMAC - Rp, 1.19.3.1 NMAC, 09/25/2006]

1.19.3.2 SCOPE: county clerk - local government
[1.19.3.2 NMAC - Rp, 1.19.3.2 NMAC, 09/25/2006]

1.19.3.3 STATUTORY AUTHORITY: Section 14-3-18 NMSA 1978. The administrator may advise and assist county and municipal officials in the formulation of programs for the disposition of public records maintained in county and municipal offices.
[1.19.3.3 NMAC - Rp, 1.19.3.3 NMAC, 09/25/2006]

1.19.3.4 DURATION: permanent
[1.19.3.4 NMAC - Rp, 1.19.3.4 NMAC, 09/25/2006]

1.19.3.5 EFFECTIVE DATE: 09/25/2006, unless a later date is cited at the end of a section.
[1.19.3.5 NMAC - Rp, 1.19.3.5 NMAC, 09/25/2006]

1.19.3.6 OBJECTIVE: To establish a model records retention and disposition schedule for the orderly management and retirement of records created and maintained by county clerk offices.
[1.19.3.6 NMAC - Rp, 1.19.3.6 NMAC, 09/25/2006]

1.19.3.7 DEFINITIONS:

A. "Administrator" means the state records administrator (Section 14-3-2 NMSA 1978).

B. "Archives" means the state archives of the commission of public records.

C. "Canvassing" means to officially examine votes for legality.

D. "Disposition" means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).

E. "Emergency paper ballot" means paper ballots used in the primary and general elections if any voting machine becomes disabled while being used to the extent that any voter is unable to cast a vote for all the candidates or questions of his choice and have such vote recorded by the machine.

F. "Instrument" means a formal legal document being recorded (i.e., deed, bond, or agreement).

G. "Lis Penden" means a document filed by a trustee or attorney on behalf of the foreclosing lender that starts the foreclosure process.

H. "Local government records retention and disposition schedule" means rules adopted by the commission of public records describing the records created and maintained by local government officials and establishing a timetable for their life cycle and providing authorization for their disposition.

I. "Microphotography" means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission of public records.

J. "**Non-record"** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts.

K. "Provisional paper ballot" means a paper ballot used when a person is permitted to vote even though the person's original certificate of registration cannot be found in the county register or even if the person's name does not appear on the signature roster.

L. "Public records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of

the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).

M. **"Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

N. **"Retention"** means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.

[1.19.3.7 NMAC - N, 09/25/2006]

1.19.3.8 ABBREVIATIONS AND ACRONYMS:

A. **"NMAC"** means New Mexico administrative code.

B. **"NMSA"** means New Mexico statues annotated.

C. **"USC"** means United States code.

[1.19.3.8 NMAC - N, 09/25/2006]

1.19.3.9 INSTRUCTIONS:

A. For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, (For use by Local Governments and Educational Institutions), 1.15.3 NMAC.

B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.5 NMAC.

C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.7 NMAC.

D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

E. Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.

F. Descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly not every file will contain an example of each document listed in the description.

G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

H. Access to confidential documents and files shall be only by authorization of the appropriate public officer, or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies shall only be upon specific statutory authorization or court order.

I. Records, papers or documents may be reformatted thorough microphotography. Such reformatted records shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5 and 14-1-6 NMSA 1978).

J. Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.19.3.9 NMAC - N, 09/25/2006]

1.19.3.10-100 [RESERVED]

1.19.3.101 DOCUMENT AND INSTRUMENT SYSTEM:

A. **Program:** clerk

B. **Maintenance system:** local government preference

C. **Description:** system used to track instruments recorded and documents filed by the general public. Data may include type of document, document title, document number, fee, date and time filed or recorded, change of name, contract of sale and purchase amounts, real estate contract amount, bond amounts, book and page number, instrument number, etc.

D. **Retention:** permanent

E. Hardcopy input documents: All documents used as input for the recorded and filed instrument system are filed in the *recorded and filed instruments* file and the *uniform commercial code statement* file. Those documents include the following: *deeds, wills, marriage licenses, liens, mortgages, uniform commercial code statements, bonds, patents*, etc.

F. Hardcopy output documents: Because this is a data-based system, ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Statistical reports may be created from this system.

[1.19.3.101 NMAC - Rp, 1.19.3.101 NMAC, 09/25/2006]

1.19.3.102 DOCUMENT AND INSTRUMENT FILE:

A. Program: clerk

B. Maintenance system: local government preference

C. Description: instruments recorded or documents filed by the general public. File may include type of document, document title, document number, fee, date and time filed or recorded, uniform commercial code statement, deeds (i.e., quitclaim warranty, tax, estate, executors, commissioners, administrators, etc.), liens (i.e., federal tax, hospital, judgments, etc.), lien releases, mining claims, labor records, oil and gas leases, certificates of incorporation, transcripts of court judgments, lis pendens, military discharges, orders for change of name, continuation certificates, contracts of sale and purchase, real estate contracts, right of way easements, assignment of contracts, notices of disclaimer, patents, power of attorneys, probate files, bonds, wills, mortgage records (i.e., mortgages, releases, real estate assignments, etc.), book and page number, instrument number, plats and maps, marriage records (i.e., marriage license applications, marriage certificates, etc.), etc.

D. Retention: permanent

E. Confidentiality: Portions of the file may be confidential pursuant to but not limited to the following, Paragraphs 9 and 10 of Subsection A of Section 14-2-1 NMSA 1978 (i.e., veteran discharge papers), 5 USC 552a (i.e., social security number), 42 USC 1320d(4) and 42 USC 1320d-6 (i.e., health information).

[1.19.3.102 NMAC - Rp, 1.19.3.102 NMAC, 09/25/2006; A, 05/12/2008]

1.19.3.103 DOCUMENT INSTRUMENT INDEX:

A. Program: clerk

B. Maintenance system: local government preference

C. Description: index that lists all instruments recorded and documents filed in the county clerk's office. Index may contain names, instrument type, instrument number, book number, page number, date and time filed, etc.

D. Retention: permanent

[1.19.3.103 NMAC - Rp, 1.19.3.103 NMAC, 09/25/2006]

1.19.3.104-105 [RESERVED]

1.19.3.106 NEWSPAPER PUBLICATIONS:

A. Program: clerk

B. Maintenance system: local government preference

C. Description: copy of newspapers published in the county.

D. Retention: permanent

[1.19.3.106 NMAC - Rp, 1.19.3.106 NMAC, 09/25/2006]

1.19.3.107 UNIFORM COMMERCIAL CODE STATEMENT FILE:

A. Program: clerk

B. Maintenance system: local government preference

C. Description: collateral and fixture filing of goods by commercial entities. File may include security agreement, filer name, filing type, filing number, book and page number, debtor's legal name, mailing address, type of organization, jurisdiction of organization, organizational identification number, name of additional debtors, secured party's name, alternative designation, lessee, lessor, consignee, consignor, bailee, bailor, seller, buyer, lien, description of real estate, name and address of record owner, continuations, amendments, terminations, partial releases, assignments, certification of county clerk (i.e., day, year, time, instrument number, county clerk signature, and seal etc.), etc.

D. Retention: five years after filing date

E. Confidentiality: Portions of the file may be confidential pursuant to but not limited to the following, 5 USC 552a (i.e., social security number) and Section 7-1-76 NMSA 1978 (i.e., tax identification number).
[1.19.3.107 NMAC - Rp, 1.19.3.107 NMAC, 09/25/2006; A, 05/12/2008]

1.19.3.108 CLERKS DAILY CASH REPORT AND ALLOTMENT FILE:

A. Program: clerk

B. Maintenance system: local government preference

C. Description: records concerning daily fees collected for recording of instruments or filing of documents and distribution of monies. Report may include payee name, receipt number, amount paid, type of payment (i.e., cash or check), instrument type (i.e., marriage license, copies, miscellaneous, etc), daily receipt from treasurer, line item distribution (i.e., general fund, lodgers tax, etc.), etc.

D. Retention: six years after close of fiscal year in which created
[1.19.3.108 NMAC - Rp, 1.19.3.108 NMAC, 09/25/2006]

1.19.3.109 CLERKS DAILY CASH REPORT AND ALLOTMENT FILE SYSTEM:

A. Program: clerk

B. Maintenance system: local government preference

C. Description: system used to track daily fees collected for recording of instruments or filing of documents and distribution of monies. Data may include payee name, date paid, receipt number, amount paid, type of payment (i.e., cash or check), instrument type (i.e., marriage license, copies, etc), daily receipt from treasurer, line item distribution (i.e., general fund, lodgers tax, etc.), miscellaneous charges, document number, check number, cash totals, check totals, etc.

D. Retention: six years after close of fiscal year to which data applies

E. Hardcopy input documents: All documents used as input for the clerk's daily report and allotment system are filed in the *clerk's daily cash report and allotment file*. Some of these reports include the *clerk's receipt book*, etc.

F. Hardcopy output documents: Because this is a data-based system, ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include clerk's daily cash report, clerk's allotment report, etc.
[1.19.3.109 NMAC - N, 09/25/2006]

1.19.3.110 LIQUOR LICENSE APPLICATION FILE:

A. Program: licensing

B. Maintenance system: local government preference

C. Description: records concerning annual application to obtain or renew a liquor license. File may include approved application, liquor tax certificate, receipt, inspection notes, change of ownership, etc.

D. Retention: three years after date of last renewal
[1.19.3.110 NMAC - Rp, 1.19.3.110 NMAC, 09/25/2006]

1.19.3.111 [RESERVED]

1.19.3.112 BUSINESS LICENSE APPLICATION FILE:

A. Program: licensing

B. Maintenance system: local government preference

C. Description: records concerning annual application to obtain a business license. File may include license application (i.e., owner and establishment name, location, date, license fee, license number, expiration date, etc.), license type (i.e., commercial, occupational, special event, etc.), receipt, zoning codes lists, etc.

D. Retention:

(1) Commercial and occupational: three years after date of application

(2) Special event: until expired

E. Confidentiality: Portions of the file may be confidential pursuant to but not limited to the following, Section 7-1-76 NMSA 1978 (i.e., tax identification number).
[1.19.3.112 NMAC - Rp, 1.19.3.112 NMAC, 09/25/2006; A, 05/12/2008]

1.19.3.113-114 [RESERVED]

1.19.3.115 DISCLOSURE OF FINANCIAL INTEREST FORM:

A. Program: clerk

B. Maintenance system: local government preference

C. Description: a form completed annually by county employees, appointed and elected officials disclosing any financial interest they may have in outside companies. Form may include name, address, home and work phone number, job title, name of spouse, spouse's employer, sources of income (i.e., county employees, elected officials), stocks in voting, special interests, business name, amount paid, real estate owned, board memberships, professional licenses, signature, notary, etc.

D. Retention: four years after close of calendar year in which filed

[1.19.3.115 NMAC - Rp, 1.19.3.115 NMAC, 09/25/2006]

1.19.3.116 DISCLOSURE FOR PERSONS ON RETAINER OR CONTRACT FORM:

A. Program: finance

B. Maintenance system: local government preference

C. Description: a form used by individuals or businesses to disclose any financial interest in county government. Form may include contract description, description of the type of services rendered, total amounts paid for each service rendered, signatures, etc.

D. Retention: six years after termination of contract

[1.19.3.116 NMAC - Rp, 1.19.3.116 NMAC, 09/25/2006]

1.19.3.117 - 120 [RESERVED]

1.19.3.121 AFFIDAVIT OF VOTER REGISTRATION FILE:

A. Program: elections

B. Maintenance system: local government preference

C. Description: records concerning voter registration information for the county clerk. File may include voter name, address, date and place of birth, zip code, social security number, county name, party affiliation, address changes, return mailings, voter cancellation notices, purge cards, change in voting precinct notice, old precinct number, new precinct number, registration number, undeliverable or reinstated status, statement of qualifications for voting, etc.

D. Retention: six years after voter cancellation

E. Confidentiality: Portions of this record may be confidential per 5 USC Section 552a (i.e., social security number).

[1.19.3.121 NMAC - Rp, 1.19.3.121 NMAC, 09/25/2006]

1.19.3.122-123 [RESERVED]

1.19.3.124 CERTIFIED LIST OF INELIGIBLE OR DECEASED RESIDENTS:

A. Program: elections

B. Maintenance system: local government preference

C. Description: a certified list provided to the county clerk that lists deceased residents over the age of 18, mentally incompetent residents, and convicted felons. List may include *proclamation of mental incompetence* (i.e., name, age, sex, marital status, birthplace, date of birth, social security number, address, etc.), place and date of death of the deceased resident, certificate of fact filed by the clerk of the county wherein the convicted felon is registered, date of conviction, address, etc.

D. Retention: six years after date list issued

E. Confidentiality: Portions of this record may be confidential per 5 USC Section 552a (i.e., social security number).

[1.19.3.124 NMAC - Rp, 1.19.3.124 NMAC, 09/25/2006]

1.19.3.125 - 126 [RESERVED]

1.19.3.127 DECLARATION OF CANDIDACY AND NOMINATING PETITION FILE:

A. Program: elections

B. Maintenance system: local government preference

C. Description: records used for obtaining the required number of signatures of voters, which is signed on behalf of the person wishing to become a candidate for a political office requiring a nominating petition and filed with the county clerk prior to running for office that are submited to the county clerk prior to running for office. File contains declaration of candidacy form and the authorized form.

D. Retention: until expiration of term of office for which candidacy was declared

[1.19.3.127 NMAC - Rp, 1.19.3.127 NMAC, 09/25/2006; A, 05/12/2008]

1.19.3.128 [RESERVED]

1.19.3.129 EXPENDITURE CONTRIBUTION REPORT:

A. Program: elections

B. Maintenance system: local government preference

C. Description: expenditures made or contributions received from individuals or entities to a candidate's campaign. Report may include name and address of the person or entity, amount of expenditure or contribution, date of expenditure or contribution, total itemized amounts, etc.

D. Retention: five years after term of office for which report submitted has expired

[1.19.3.129 NMAC - Rp, 1.19.3.129 NMAC, 09/25/2006]

1.19.3.130 ELECTION PROCLAMATION FILE:

A. Program: elections

B. Maintenance system: local government preference

C. Description: authenticated copy of an election proclamation issued by the governor calling for an election to be held in each county and precinct of the state on the date prescribed by law. File may contain copy of proclamation issued by the governor, notice of election proclamation issued by the county clerk, proof of election notice, correspondence, etc.

D. Retention: five years after election for which proclamation was issued

[1.19.3.130 NMAC - Rp, 1.19.3.130 NMAC, 09/25/2006; A, 05/12/2008]

1.19.3.131 CERTIFICATE OF VOTING MACHINE PREPARATION:

A. Program: elections

B. Maintenance system: local government preference

C. Description: certification of the voting system to be used in an election by the county clerk in accordance with specifications issued by the secretary of state. Certificate may include date of election, preparation date, machine number, precinct location, protective counter number, remarks, check list, voting system technician name and signature, county clerk name, signature and seal, etc.

D. Retention:

(1) Elections in which a federal candidate appears on the ballot: 22 months from the date of the election

(2) Elections in which there is no federal candidate: 45 days after adjournment of applicable state or county canvassing board, whichever is later

[1.19.3.131 NMAC - Rp, 1.19.3.131 NMAC, 09/25/2006; A, 05/12/2008]

[Note one: retention for federal election records for 22 months is pursuant to 42 USC 1974 and Subsection A of Section 1-12-69 NMSA 1978. Note two: retention for state or county election records is pursuant to Subsection B of Section 1-12-69 NMSA 1978.]

1.19.3.132-133 [RESERVED]

1.19.3.134 ELECTION DAY TROUBLE CALL LOG:

A. Program: elections

B. Maintenance system: local government preference

C. Description: a log of election day voting system problems. Log may include name of county, precinct number, date, time, voting machine number, malfunction, cause of malfunction, name of voting system technician, name of dispatcher, problem description, instructions given, technician dispatched, time of dispatch, signature of technician, etc.

D. Retention:

(1) Elections that involve federal candidacies: 22 months after election to which they apply

(2) Elections that do not involve federal candidacies: 45 days after adjournment of applicable state or county canvassing board, whichever is later

[1.19.3.134 NMAC - Rp, 1.19.3.134 NMAC, 09/25/2006; A, 05/12/2008]

[Note one: retention for federal election records for 22 months is pursuant to 42 USC 1974 and Subsection A of Section 1-12-69 NMSA 1978. Note two: retention for state or county election records is pursuant to Subsection B of Section 1-12-69 NMSA 1978.]

1.19.3.135 [RESERVED]

1.19.3.136 APPLICATION FOR ABSENTEE VOTER BALLOT:

A. Program: elections

B. Maintenance system: local government preference

C. Description: application submitted by a voter requesting absentee voter ballot for county, state and federal elections. Application may include election date, county name, type of absentee voter ballot (i.e. primary, general, school, special, etc.), name of voter, voter year of birth, physical address, unique identifier, mailing address, signature of registered voter, etc.

D. Retention:

(1) Elections in which a federal candidate appears on the ballot: 22 months from the date of the election

(2) Elections in which there is no federal candidate: 45 days after adjournment of applicable state or county canvassing board, whichever is later

[1.19.3.136 NMAC - Rp, 1.19.3.136 NMAC, 09/25/2006; A, 05/12/2008]

[Note one: ballots shall only be destroyed pursuant to rules promulgated by the state records center pursuant to Subsection D of Section 1-12-69 NMSA 1978. Note two: federal election ballots shall be maintained for 22 months pursuant to 42 USC 1974 and Subsection A of Section 1-12-69 NMSA 1978. Note three: retention for state or county election ballots is pursuant to Subsection B of Section 1-12-69 NMSA 1978.]

1.19.3.137 [RESERVED]

[1.19.3.137 NMAC - Rp, 1.19.3.137 NMAC, 09/25/2006; Repealed, 05/12/2008]

[Note on NOTICE OF ACCEPTANCE OF ABSENTEE BALLOT APPLICATION, approved absentee ballots are simply sent out.**]**

1.19.3.138 NOTICE OF REJECTION OF ABSENTEE BALLOT APPLICATION:

A. Program: elections

B. Maintenance system: local government preference

C. Description: rejection notice submitted by the county clerk to a person requesting an absentee voter ballot. Notice may contain an explanation on the reasons for the rejection of an absentee ballot application (i.e., address on the application does not match the address of voter registration, the year of birth provided does not match the year of birth on the certificate of voter registration, county clerk records indicate that the person is ineligible to vote, name on the application does not match the name on the voter registration, a person is not a registered voter in the county, etc.), etc.

D. Retention:

(1) Elections in which a federal candidate appears on the ballot: 22 months from the date of the election

(2) Elections in which there is no federal candidate: 45 days after adjournment of applicable state or county canvassing board, whichever is later

[1.19.3.138 NMAC - Rp, 1.19.3.137 NMAC, 09/25/2006; A, 05/12/2008]

[Note one: retention on returned or undeliverable notices. Note two: retention for federal election records for 22 months is pursuant to 42 USC 1974 and Subsection A of Section 1-12-69 NMSA 1978. Note three: retention on state or county records is pursuant to Subsection B of Section 1-12-69 NMSA 1978.]

1.19.3.139 ABSENTEE VOTER REGISTER:

A. Program: elections

B. Maintenance system: local government preference

C. Description: register concerning election records of absentee voters. Register may include county, election type, election date, date application received, date ballot sent out, time and date ballot returned,

method of delivery of ballot, voter name, address, register identification number, birth year, registration status, precinct, party affiliation, type of district (i.e., senate, commission, congressional, etc.), ballot style, ballot accepted or rejected by clerk, voided or replaced, notations and certificate for elections, affidavit of nonreceipt of absentee ballot, application for presidential election, presidential ballot, etc.

D. Retention: three years after election to which register applies

[1.19.3.139 NMAC - Rp, 1.19.3.139 NMAC, 09/25/2006]

1.19.3.140 ABSENTEE VOTER REGISTER SYSTEM:

A. Program: elections

B. Maintenance system: local government preference

C. Description: system used to track election records of absentee voters. Data may include date of election, county, election type, date application received, date ballot sent out, time and date ballot returned, method of delivery of ballot, voter name, address, register identification number, birth year, registration status, precinct, party affiliation, type of district (i.e., senate, commission, congressional, etc.), ballot style, ballot accepted or rejected by clerk, ballot voided or replaced, notations and certificate for elections, affidavit of nonreceipt of absentee ballot, affidavit for replacement of absentee ballot, application for presidential election, presidential ballot, etc.

D. Retention: three years after election to which data applies

E. Hardcopy input documents: All documents used as input for absent voter register file system are filed in the *absentee voter register*. Those documents include the application for absentee voter registration form, ballot, etc.

F. Hardcopy output documents: Because this is a data-based system ad-hoc reports and forms can be generated upon demand. When produced, these reports are forwarded to the requesting entity. Documents generated by this system include blank ballots, statistical reports, etc.

[1.19.3.140 NMAC - N, 09/25/2006]

1.19.3.141-142 [RESERVED]

1.19.3.143 CERTIFIED VOTERS INDEX LIST:

A. Program: elections

B. Maintenance system: local government preference

C. Description: certified list of voters by precinct, party affiliation and address. List includes voter's name, gender, address, zip code, party affiliation, county, precinct number, date, page number, etc.

D. Retention: until superseded by new listing

[1.19.3.143 NMAC - Rp, 1.19.3.143 NMAC, 09/25/2006; A, 05/12/2008]

[List is output comprised from data maintained by the secretary of state's office]

1.19.3.144 PRECINCT VOTER AND SIGNATURE ROSTER LIST:

A. Program: elections

B. Maintenance system: local government preference

C. Description: voter lists and signature rosters used for confirmation of registration and voting during an election. List may include county, voter name, gender, place of residence, birth year, party affiliation, precinct of residence, voter signature, voter consecutive number, page number, date and name of election, etc.

D. Retention:

(1) Elections in which a federal candidate appears on the ballot: 22 months from the date of the election

(2) Elections in which there is no federal candidate: 45 days after adjournment of applicable state or county canvassing board, whichever is later

[1.19.3.144 NMAC - Rp, 1.19.3.144 NMAC, 09/25/2006; A, 05/12/2008]

[Note one: each index shall be certified by the county clerk and sent to secretary of state. Note two: retention for state or county election records is pursuant to Subsection B of Section 1-12-69 NMSA 1978. Note three: federal election records shall be maintained for 22 months pursuant to 42 USC 1974 and Subsection A of Section 1-12-69 NMSA 1978.]

1.19.3.145 [RESERVED]

1.19.3.146 MONTHLY FILE MAINTENANCE LIST:

A. Program: elections
B. Maintenance system: local government preference
C. Description: a list generated from the voter registration and election management system that is used to update voter information at the county clerk's office. List may include voter's name, address, party affiliation; precinct name and number; additions, deletions or changes made to the county register, etc.
D. Retention: one year after list created
[1.19.3.146 NMAC - Rp, 1.19.3.146 NMAC, 09/25/2006]
[The county clerk shall send copies of the list to the county chairman of the major political parties in the county.]

1.19.3.147 VOTING MACHINE PERMIT:
A. Program: elections
B. Maintenance system: local government preference
C. Description: permit issued to a voter at the polls. Permit may include election date, voters list number, voting machine operator, public counter number, voting machine assigned letter, etc.
D. Retention:
(1) Elections in which a federal candidate appears on the ballot: 22 months from the date of the election
(2) Elections in which there is no federal candidate: 45 days after adjournment of applicable state or county canvassing board, whichever is later
[1.19.3.147 NMAC - Rp, 1.19.3.147 NMAC, 09/25/2006; A, 05/12/2008]
[Note one: retention for federal election records for 22 months is pursuant to 42 USC 1974 and Subsection A of Section 1-12-69 NMSA 1978. Note two: retention for state or county election records is pursuant to Subsection B of Section 1-12-69 NMSA 1978.]

1.19.3.148-149 [RESERVED]

1.19.3.150 NOTICE OF APPOINTMENT OF ELECTION OFFICIALS FORM
A. Program: elections
B. Maintenance system: local government preference
C. Description: county clerk appointments of election officials to individual precinct boards. Form may include qualification of members, training received, certification by county clerk, member's oath of office, removal from the board, disqualifications, election information, precinct number, polling location, election date, election school information, return deadline date, official's name and address, official's response (i.e., ability to serve, inability to serve or willingness to remain on the standby list), etc.
D. Retention: two years from date of appointment
[1.19.3.150 NMAC - Rp, 1.19.3.150 NMAC, 09/25/2006; A, 05/12/2008]

1.19.3.151-155 [RESERVED]

1.19.3.156 BALLOTS:
A. Program: elections
B. Maintenance system: local government preference
C. Description: a printed and certified ballot used by voters to make decisions in elections (i.e., absentee, labels, cards, sheets, provisional paper and emergency paper, etc.). Ballot may include numbered position on ballot, physical ballot layout, office , names of candidates, bonds, constitutional amendments and other questions to be voted on, marking, casting and recording of votes, etc.
D. Retention:
(1) Elections in which a federal candidate appears on the ballot: 22 months from the date of the election
(2) Elections in which there is no federal candidate: 45 days after adjournment of applicable state or county canvassing board, whichever is later
(3) Sample ballots (one copy only): three years after election to which they apply
[1.19.3.156 NMAC - Rp, 1.19.3.156 NMAC, 09/25/2006; A, 05/12/2008]
[Ballots shall only be destroyed pursuant to rules promulgated by the state records center and archives pursuant to Subsection D of Section 1-12-69 NMSA 1978. Unused paper ballots are classified as non-records (1.15.3.101

NMAC). Unused emergency ballots will be destroyed upon the closing of polls and unused absentee ballots at 5:00 p.m. on the Monday immediately preceding election date.]

1.19.3.157-159 [RESERVED]

1.19.3.160 MACHINE PRINTED RETURN:

A. Program: elections

B. Maintenance system: local government preference

C. Description: printout of the number of votes cast for each candidate and all write in candidates. Return may include name of write in candidates, independent candidates, all votes cast, etc.

D. Retention: three years after election to which return applies

[1.19.3.160 NMAC - Rp, 1.19.3.160 NMAC, 09/25/2006]

1.19.3.161 CANVASS OF RETURN TALLY SHEET:

A. Program: elections

B. Maintenance system: local government preference

C. Description: records concerning canvassing of election results. Sheet may include election type, election date, county name, districts, candidate names, other election issues, total number of votes, tally mark square, total votes tallied, affidavit by board of canvass chairman, members' names and signatures, etc.

D. Retention: three years after election to which sheet applies

[1.19.3.161 NMAC - Rp, 1.19.3.161, 09/25/2006]

1.19.3.162 [RESERVED]

1.19.3.163 CERTIFICATE OF NOMINATION OR ELECTION FILE:

A. Program: elections

B. Maintenance system: local government preference

C. Description: certificate concerning nominations in a primary or general election. File may include certificate of election for general elections, authorizing newly elected official to discharge duties of office for elected term or certificate of nomination for primary elections. Certificate may include election date, location, name of elected official, office, seal, clerk signature, etc.

D. Retention: until replaced by new elected official or new nomination for primary election

[1.19.3.163 NMAC - Rp, 1.19.3.163 NMAC, 09/25/2006]

1.19.3.164 OATH OF OFFICE CERTIFICATE:

A. Program: elections

B. Maintenance system: local government preference

C. Description: oath of office certificate completed by all elected officials. Certificate may include county, name and signature of elected or appointed official, affidavit, name of elected office, notary seal and signature, name and signature of person administering oath, etc.

D. Retention: one year after term ends

[1.19.3.164 NMAC - Rp, 1.19.3.164 NMAC, 09/25/2006]

1.19.3.165 PRECINCT MAP:

A. Program: elections

B. Maintenance system: local government preference

C. Description: map showing designation of precinct boundaries, representative districts and senatorial districts. Map may include state, county and municipal boundary lines, urban and nonurban precincts, written description of the precincts, etc.

D. Retention: 10 years after map superseded

[1.19.3.165 NMAC - Rp, 1.19.3.165 NMAC, 09/25/2006]

1.19.3.166 AFFIDAVIT OF AUTHORIZATION:

A. Program: elections

B. Maintenance system: local government preference

C. Description: affidavit completed by candidates requesting information from voter file, to be used for campaign purposes only. Affidavit may include county name candidates name, date requested, information requested, voter data, special voter list, election campaign purposes, governmental purposes, signature and address of requester, signature authorization, date material provided, signature of recipient, signature of data processor, etc.

D. Retention: five years after date submitted

[1.19.3.166 NMAC - Rp, 1.19.3.166 NMAC, 09/25/2006]

1.19.3.167 [RESERVED]

1.19.3.168 PROVISIONAL BALLOT OUTER ENVELOPES:

A. Program: elections

B. Maintenance system: local government preference

C. Description: completed voter affidavit for provisional or absentee ballot never received. Affidavit may include county, precinct, voter information, voters affidavit and signature, presiding judge signature, initials of chair of the county canvassing board and information why ballot was counted or not counted, etc.

D. Retention:

(1) Elections in which a federal candidate appears on the ballot: 22 months from the date of the election

(2) Elections in which there is no federal candidate: 45 days after adjournment of applicable state or county canvassing board, whichever is later

[1.19.3.168 NMAC - Rp, 1.19.3.168 NMAC, 09/25/2006; A, 05/12/2008]

1.19.3.169 - 201 [RESERVED]

1.19.3.202 DESCENDANTS PROBATE PACKET:

A. Program: probate

B. Maintenance system: local government preference

C. Description: forms and supporting documentation completed for the probate of an estate. Packet may include instructions for probate, explanation of forms, application for informal appointment of personal representative, order of informal appointment of personal representative, acceptance of appointment as personal representative, letters of testamentary or administration, notice of informal appointment of personal representative, proof of notice, notice of known creditors, notice to creditors, inventory of assets, accounting, verified statement of the personal representative pursuant to Section 34-7-17 NMSA 1978, etc.

D. Retention: permanent

[1.19.3.202 NMAC - Rp, 1.19.3.202 NMAC, 09/25/2006; A, 05/12/2008]

1.19.3.203 RECORD OF DESCENDANTS ESTATES:

A. Program: probate

B. Maintenance system: local government preference

C. Description: records concerning actions filed against an estate in probate. Record may include all heirs', their decedents' surviving spouses' names, ages, place of residence; a note of every sale of real estate made under the order of the court; money received; reason received; relationship to the deceased, if a minor; list of warrants issued against the county treasury, and for what reason pursuant to Section 34-7-20 NMSA 1978; bonds given by personal representatives, conservators, guardians and all wills admitted to probate pursuant to Section 34-7-21 NMSA 1978; etc.

D. Retention: permanent

[1.19.3.203 NMAC - Rp, 1.19.3.203 NMAC, 09/25/2006 A, 05/12/2008]

HISTORY OF 1.19.3 NMAC:

History of Repealed Material:

1.19.6 NMAC, LGRRDS Office of the County Clerk filed 12/07/2001 - Repealed 09/25/2006