

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 370 ERRDS, SECRETARY OF STATE

1.18.370.1 ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives
[1.18.370.1 NMAC - Rp, 1.18.370.1 NMAC, 01/05/2014]

1.18.370.2 SCOPE: secretary of state
[1.18.370.2 NMAC - Rp, 1.18.370.2 NMAC, 01/05/2014]

1.18.370.3 STATUTORY AUTHORITY: Section 14-3-4 NMSA 1978, it shall be the duty of the commission to adopt and publish rules to carry out the purposes of the Public Records Act. Section 14-3-6 NMSA 1978, the administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.
[1.18.370.3 NMAC - Rp, 1.18.370.3 NMAC, 01/05/2014]

1.18.370.4 DURATION: permanent
[1.18.370.4 NMAC - Rp, 1.18.370.4 NMAC, 01/05/2014]

1.18.370.5 EFFECTIVE DATE: January 5, 2014, unless a later date is specified at the end of a section.
[1.18.370.5 NMAC - Rp, 1.18.370.5 NMAC, 01/05/2014]

1.18.370.6 OBJECTIVE: To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act pursuant to Section 14-3-6 NMSA 1978.
[1.18.370.6 NMAC - Rp, 1.18.370.6 NMAC, 01/05/2014]

1.18.370.7 DEFINITIONS:

- A. "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B. "Agency"** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C. "Archives"** means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. The term also refers to the organizational unit of the SRCA storing these records.
- D. "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
- E. "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- F. "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (e.g., transfer to archives or destruction).
- G. "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.
- H. "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; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- I. "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
- J. "Public record"** 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).

K. "Records custodian" means the statutory head of the agency using or maintaining the records or the custodian's designee.

L. "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

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. "Records retention and disposition schedule" means rules adopted by the commission pursuant to Section 14-3-4 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

O. "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.
[1.18.370.7 NMAC - Rp, 1.18.370.7 NMAC, 01/05/2014]

1.18.370.8 ABBREVIATIONS AND ACRONYMS:

A. "CFR" stands for code of federal regulations.

B. "EDRRDS" stands for education records retention and disposition schedules.

C. "EFS" stands for effective finance statement.

D. "ERRDS" stands for executive records retention and disposition schedules.

E. "GRRDS" stands for general records retention and disposition schedules.

F. "JRRDS" stands for judicial records retention and disposition schedules.

G. "LRRDS" stands for legislative records retention and disposition schedules.

H. "LGRRDS" stands for local government records retention and disposition schedules.

I. "SRCA" stands for state records center and archives.

J. "UCC" stands for uniform commercial code.

K. "USC" stands for United States code.

[1.18.370.8 NMAC - Rp, 1.18.370.8 NMAC, 01/05/2014]

1.18.370.9 INSTRUCTIONS:

A. Records retention and disposition schedules identify the types of records maintained by state agencies and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are several types of records retention and disposition schedules promulgated by the commission for state agencies. General schedules list records common to all agencies and executive schedules list records specific to an agency. Each record series will be represented in the format listed below.

(1) **Program** - describes the function of the records

(2) **Maintenance system** - describes how an agency files (organizes) records

(3) **Description** - describes the purpose and content of a record

(4) **Retention** - defines the length of time records must be kept before they are eligible for destruction or archival preservation.

B. For records of a general administrative nature, refer to the GRRDS, General Administrative, 1.15.2 NMAC.

C. For records of a financial nature, refer to the GRRDS, General Financial, 1.15.4 NMAC.

D. For records of a personnel nature, refer to the GRRDS, General Personnel, 1.15.6 NMAC.

E. For records of a medical nature, refer to the GRRDS, General Medical, 1.15.8 NMAC.

F. 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.

G. The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are included 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.

H. Confidentiality is denoted for files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a

confidentiality note in the description of a record series does not waive confidentiality. Refer questions concerning the confidentiality of a file to legal counsel for the agency.

I. Records may be photographed, microfilmed, digitized or converted to computer output microfilm provided a microphotography plan has been approved by the state records administrator (Section 14-3-17 NMSA 1978). Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies (Section 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.

K. Email is a transmission medium for content that may or may not be a public record. Email messages that contain information sent or received by an agency in connection with the transaction of official state business or in pursuance of law are public records and are subject to retention requirements established in records retention and disposition schedules. Email messages are required to be categorized, filed and retained on the basis of content (1.13.4 NMAC, Records Management Requirements for Electronic Messaging). The content of email messages may vary considerably; therefore, each email shall be evaluated to determine if it meets the definition of a public record as defined in the Public Records Act. Non-records or transitory emails that do not provide evidence of official agency policies or business transactions may be deleted.

L. Non-scheduled public records created by an agency in pursuance of law or in connection with the transaction of public business shall have a retention period of permanent until such time the non-scheduled record has been scheduled and a retention period adhering to operational, legal, fiscal, historical or other purposes is established.

[1.18.370.9 NMAC - Rp, 1.18.370.9 NMAC, 01/05/2014]

1.18.370.10 - 1.18.370.29 [RESERVED]

1.18.370.30 CONTRIBUTION AND EXPENDITURE REPORT FILES:

A. Program: ethics

B. Maintenance system: chronological by date, then alphabetical by candidate, political committee or lobbyist name

C. Description: contribution and expenditure reports filed with the secretary of state's office. Portions of this file are input to the *campaign finance information system*, 1.18.370.38 NMAC. Files may include contribution and expenditure report, certification of report, letter of non-compliance, letters of penalties imposed, statement of no activity, correspondence, etc.

D. Retention: permanent, transfer to archives 10 years from date of report filed or date of final resolution of report

[1.18.370.30 NMAC - Rp, 1.18.370.101 NMAC, 01/05/2014]

1.18.370.31 CONTRIBUTION AND EXPENDITURE REPORT AUDIT FILES:

A. Program: ethics

B. Maintenance system: chronological by date, then alphabetical by candidate or political committee name

C. Description: records documenting the audit of contribution and expenditure reports filed with the secretary of state. Portions of this file are input to the *campaign finance information system*, 1.18.370.38 NMAC. Files may include copy of contribution and expenditure report, audit report, copy of letter of compliance, report of findings, response to report of findings, copy of letter of findings to attorney general, correspondence, etc.

D. Retention: five years from date of final resolution of audit

[1.18.370.31 NMAC - Rp, 1.18.370.102 NMAC, 01/05/2014]

1.18.370.32 COMPLAINT FILES:

A. Program: ethics

B. Maintenance system: chronological by date

C. Description: records documenting complaints filed with the secretary of state's office. Files may include complaint, investigation report, copy of notification of violation, penalty notice, correspondence, etc.

D. Retention:

(1) **Complaints with merit:** 25 years from date of final resolution, then transfer to archives for review and final disposition

(2) **Complaints dismissed:** two years from date of dismissal
[1.18.370.32 NMAC - Rp, 1.18.370.103 NMAC, 01/05/2014]

1.18.370.33 FEDERAL CAMPAIGN RECEIPTS AND DISBURSEMENT REPORTS:

A. Program: ethics
B. Maintenance system: chronological by date, then alphabetical by candidate or committee name
C. Description: copies of federal campaign receipts and disbursement reports submitted by the federal election commission. Report may show received contributions, anticipated contributions, itemized disbursements, notification of disbursement of personal funds, notice of intent, etc.

D. Retention: five years after the date of report
[1.18.370.33 NMAC - Rp, 1.18.370.105 NMAC, 01/05/2014]

1.18.370.34 LOBBYIST REGISTRATION FILES:

A. Program: ethics
B. Maintenance system: chronological by date, then alphabetical by registrant
C. Description: records documenting the registration of a lobbyist. Portions of this file are input to the *campaign finance information system*, 1.18.370.38 NMAC. Files may include lobbyist registration form, copy of lobbyist contribution and expenditure report, lobbyist authorization form, lobbyist employer reports, correspondence, etc.

D. Retention: five years from date of registration expiration or termination, then transfer to archives for review and final disposition
[1.18.370.34 NMAC - Rp, 1.18.370.107, 131 & 132 NMAC, 01/05/2014]

1.18.370.35 LOBBYIST DESIGNATION FORMS:

A. Program: ethics
B. Maintenance system: chronological by date, then alphabetical by agency
C. Description: records documenting individuals designated to appear or testify on behalf of a state entity. Portions of this form are input to the *campaign finance information system*, 1.18.370.38 NMAC. Forms may show name of staff member or statewide elected official making decision, title of member, signature of official or elected official making decision, state agency and address.

D. Retention: five years from date of designation, then transfer to archives for review and final disposition
[1.18.370.35 NMAC - Rp, 1.18.370.108 & 133 NMAC, 01/05/2014]

1.18.370.36 LOBBYIST CAMPAIGN ADVERTISING REGISTRATION FILES:

A. Program: ethics
B. Maintenance system: chronological by date, then alphabetical by organization
C. Description: records documenting the expenditure of funds to conduct campaign advertisements for the purposes of lobbying. Portions of this file are input to the *campaign finance information system*, 1.18.370.38 NMAC. Files may include campaign advertisement registration form, reports of funds spent, correspondence, etc.

D. Retention: five years from date of registration, then transfer to archives for review and final disposition
[1.18.370.36 NMAC - Rp, 1.18.370.109 & 134 NMAC, 01/05/2014]

1.18.370.37 VOTER ACTION ACT FILES:

A. Program: ethics
B. Maintenance system: chronological by date, then alphabetical by candidate last name
C. Description: records documenting the application for and issuance of public funding to campaigns for public regulation commission, supreme-court and court of appeals judges candidates. Portions of this record are input to the *campaign finance information system*, 1.18.370.38 NMAC. Files may include *declaration of intent form, qualifying contribution receipts form, qualifying contributions report form, seed money report, application for certification form*, correspondence, etc.

D. Retention: five years from date of election, then transfer to archives for review and final disposition

[1.18.370.37 NMAC - N, 01/05/2014]

1.18.370.38 CAMPAIGN FINANCE INFORMATION SYSTEM (CFIS):

- A. Program:** ethics
- B. Maintenance system:** numerical by primary key
- C. Description:** database that tracks information regarding candidates, political action committees, and lobbyists and required financial reports. Data may show name of registrant, campaign and expenditure report data, lobbyist registration data, lobbyist designation data, lobbyist campaign advertising registration data, complaint data, compliance data, etc.
- D. Data retention:**
 - (1) **Contribution and expenditure report data:** permanent, transfer to archives five years from date of report filed or date of final resolution of report
 - (2) **Contribution and expenditure report audit data:** five years from date of final resolution
 - (3) **Complaint data:**
 - (a) **Complaints with merit:** permanent
 - (b) **Complaints dismissed:** two years from date of dismissal
 - (4) **Lobbyist registration data:** permanent, transfer to archives five years from date of report filed or date of final resolution of report
 - (5) **Lobbyist designation data:** permanent
 - (6) **Lobbyist campaign advertising registration data:** permanent, transfer to archives 10 years from date of report filed or date of final resolution of report
 - (7) **Voter action act data:** permanent, transfer to archives five years from date of election
- E. Confidentiality:** Portions of this record may be confidential.
- F. Input:** all records used as input for the *campaign finance information system* are filed in the corresponding *contribution and expenditure report files*, 1.18.370.30 NMAC; *contribution and expenditure report audit files* 1.18.370.31 NMAC, *complaint files*, 1.18.370.32 NMAC; *lobbyist registration files*, 1.18.370.34 NMAC; *lobbyist designation forms*, 1.18.370.35 NMAC; *lobbyist campaign advertising registration files*, 1.18.370.36 NMAC and *voter action act files*, 1.18.370.37 NMAC.
- G. Output:** Because the *campaign finance information system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity.

[1.18.370.38 NMAC - Rp, 1.18.370.151, 171, 181 & 291 NMAC, 01/05/2014]

1.18.370.39 CODE OF CONDUCT FILES:

- A. Program:** ethics
- B. Maintenance system:** chronological by date, then alphabetical by public official and executive agency
- C. Description:** records documenting codes of conduct filed with the secretary of state. These codes of conduct are submitted by public officials and executive agencies. Files may include code of conduct, correspondence, etc.
- D. Retention:** five years from date superseded, then transfer to archives for review and final disposition

[1.18.370.39 NMAC - Rp, 1.18.370.106 NMAC, 01/05/2014]

1.18.370.40 FINANCIAL DISCLOSURE STATEMENTS FILES:

- A. Program:** ethics
- B. Maintenance system:** chronological by date, then alphabetical by candidate or official name
- C. Description:** financial disclosure statements required to be filed by legislative, statewide office candidates, state agency heads or officials whose appointment is subject to confirmation by the senate. Files may include financial disclosure statement, complaint and supporting documents, investigation reports, secretary of state determination, etc.
- D. Retention:**
 - (1) **Compliant files:** five years from date filed, then transfer to archives for review and final disposition
 - (2) **Non-compliant files:** five years from date of final resolution, then transfer to archives for review and final disposition

[1.18.370.40 NMAC - Rp, 1.18.370.112 & 113 NMAC, 01/05/2014]

1.18.370.41 - 1.18.370.59 [RESERVED]

1.18.370.60 CERTIFIED VOTER LIST FILES:

- A. Program:** elections
- B. Maintenance system:** chronological by date, then alphabetical by county, then by precinct
- C. Description:** certified list showing qualified voters submitted by counties prior to general and primary elections. List shows voter name, address, party affiliation, precinct number, etc.
- D. Retention:** three years from date of election
- E. Confidential:** Portions of this record may be confidential.

[1.18.370.60 NMAC - Rp, 1.18.370.207 NMAC, 01/05/2014]

1.18.370.61 ABSENTEE BALLOT REGISTER FILES:

- A. Program:** elections
- B. Maintenance system:** chronological by date, then alphabetical by county, then precinct
- C. Description:** list documenting individuals who have applied to vote absentee. Register may show applicant name, address, date, acceptance or rejection, precinct, party affiliation, etc.
- D. Retention:** three years from date of election

[1.18.370.61 NMAC - Rp, 1.18.370.208 NMAC, 01/05/2014]

1.18.370.62 REFERENDUM PETITIONS:

- A. Program:** elections
- B. Maintenance system:** chronological by date, then numerical by petition number
- C. Description:** records documenting a petition requesting that a law be referred to the people of New Mexico for vote at the next general election. Petition may show law being referred, name of registered voter, signature of registered voter, address, etc.
- D. Retention:** permanent, transfer to archives five years from date petition declared sufficient or insufficient

[1.18.370.62 NMAC - Rp, 1.18.370.209 NMAC, 01/05/2014]

1.18.370.63 PRECINCT AND POLLING LOCATION LIST:

- A. Program:** elections
- B. Maintenance system:** alphabetical by county
- C. Description:** county generated list indicating current precinct and polling locations. List may show precinct and polling locations.
- D. Retention:** until superseded by new list

[1.18.370.63 NMAC - Rp, 1.18.370.210 NMAC, 01/05/2014]

1.18.370.64 QUALIFICATION, REMOVAL AND REQUALIFICATION OF POLITICAL PARTIES FILES:

- A. Program:** elections
- B. Maintenance system:** chronological by date, then alphabetical by party name
- C. Description:** records documenting the qualification, removal and requalification history of political parties in New Mexico. Files may include petitions from registered voters, founding and supplemental rules, copy of political party logo, copies of official party certificate, correspondence, etc.
- D. Retention:** permanent, transfer to archives 10 years from date political party is removed

[1.18.370.64 NMAC - Rp, 1.18.370.211 NMAC, 01/05/2014]

1.18.370.65 COUNTY PRECINCT MAPS:

- A. Program:** elections
- B. Maintenance system:** alphabetical by county, then numerical by district
- C. Description:** maps documenting current geographical boundaries with designation of each precinct, representative district and senatorial district.
- D. Retention:** permanent, transfer to archives 10 years from date filed and approved

[1.18.370.65 NMAC - Rp, 1.18.370.212 NMAC, 01/05/2014]

1.18.370.66 LEGISLATIVE DISTRICT MAPS:

- A. Program:** elections
- B. Maintenance system:** numerical by house district and senate district
- C. Description:** maps showing current geographical boundaries for legislative districts in the state.
- D. Retention:** permanent, transfer to archives 10 years from date filed and approved

[1.18.370.66 NMAC - Rp, 1.18.370.213 NMAC, 01/05/2014]

1.18.370.67 PRECINCT BOARD APPOINTMENT FILES:

- A. Program:** elections
- B. Maintenance system:** chronological by date, then alphabetical by county
- C. Description:** records documenting election precinct board member and alternates appointment for the purposes of certifying canvass of returns. Files may include list of appointees and alternates.
- D. Retention:** three years from date appointment is filed

[1.18.370.67 NMAC - Rp, 1.18.370.214 NMAC, 01/05/2014]

1.18.370.68 ELECTORAL COLLEGE FILES:

- A. Program:** elections
- B. Maintenance system:** chronological by meeting date
- C. Description:** records documenting proceedings from electoral college meetings. Files may include certificate of nominees, copies of oaths of office, certificates of ascertainment, ballots for president and vice president, agendas, copies of invitations for inaugural committee representation, minutes of meetings, correspondence, etc.

- D. Retention:** permanent, transfer to archives 10 years from date of election

[1.18.370.68 NMAC - Rp, 1.18.370.215 NMAC, 01/05/2014]

1.18.370.69 CANVASS OF RETURNS:

- A. Program:** elections
- B. Maintenance system:** chronological by date, then alphabetical by county, then numerical by district
- C. Description:** canvass lists of total votes cast by county, precinct and district for each candidate for public office, school board and conservancy district board of directors. Files may include canvass of return, tally sheets, signature rosters and certifying signatures of canvassing board clerk, chairman and members.

D. Retention:

- (1) **Canvass of returns:** permanent, transfer to archives 10 years from date of certification
- (2) **Resolutions and certificate of election copies:** permanent, transfer to archives 10 years from date of election
- (3) **Signature rosters and tally sheets:** three years from date of election

[1.18.370.69 NMAC - Rp, 1.18.370.201, 202, 203, 204 & 205 NMAC, 01/05/2014]

1.18.370.70 MUNICIPAL ELECTION RECORDS:

- A. Program:** elections
- B. Maintenance system:** chronological by date, then alphabetical by municipality
- C. Description:** records documenting results of elections held in municipalities. Files may include elections results, copies of resolutions, copy of certificate of election and canvass of returns.

D. Retention:

- (1) **Resolutions and certificate of election copies:** permanent, transfer to archives 10 years from date of election
- (2) **Canvass of returns:** permanent, transfer to archives 10 years from date of certification

[1.18.370.70 NMAC - Rp, 1.18.370.206 NMAC, 01/05/2014]

1.18.370.71 CONGRESSIONAL, STATEWIDE, JUDICIAL, DISTRICT AND COUNTY CANDIDATE FILES:

- A. Program:** elections
- B. Maintenance system:** chronological by date, then alphabetical by office, then by candidate name

C. Description: records documenting candidacy nomination, declaration and withdrawal. Files may include declaration of candidate form, write-in candidate's letter, nominating petition forms, receipt of declaration of candidacy, copy of candidate certification letter, copies of letters of withdrawal, correspondence, etc.

D. Retention:

(1) **Certified candidates:** five years from close of calendar year in which candidate determined eligible

(2) **Candidates not certified:** two years from close of calendar year in which candidate determined ineligible

[1.18.370.71 NMAC - Rp, 1.1.370.220 & 231 NMAC, 01/05/2014]

1.18.370.72 ELECTED OFFICIAL OATH OF OFFICE FILE:

A. Program: elections

B. Maintenance system: chronological by date

C. Description: oath of office filed with the secretary of state by an elected official. File includes oath of office.

D. Retention: permanent, transfer to archives 15 years from date oath filed

[1.18.370.72 NMAC - Rp, 1.18.370.221 NMAC, 01/05/2014]

1.18.370.73 VOTER REGISTRATION DATABASE:

A. Program: elections

B. Maintenance system: numerical by primary key

C. Description: database used to track and maintain voter history (e.g., early voting, absentee voting, felon voter status, deceased voters, party affiliation, etc.), precinct changes, etc. Data may include voter name, address, party affiliation, voter status, street files, precinct changes, etc.

D. Data retention: permanent

E. Confidentiality: Portions of this record may be confidential.

F. Data input: all documents used as input for the *voter registration database* are filed in the corresponding *affidavit of voter registration file*, 1.19.3.121 NMAC; *certified list of ineligible or deceased residents*, 1.19.3.124 NMAC; *application for absentee voter ballot*, 1.19.3.136 NMAC and *notice of rejection of absentee ballot application*, 1.19.3.138 NMAC.

G. Output: Because the *voter registration database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity.

[1.18.370.73 NMAC - Rp, 1.18.370.296 NMAC, 01/05/2014]

1.18.370.74 THIRD PARTY VOTER REGISTRATION AGENT DATABASE:

A. Program: elections

B. Maintenance system: numerical by primary key

C. Description: database used for tracking and maintaining third party voter registration information. Data may include voter registration, registration form numbers, name of organization, street files, etc.

D. Data retention: three years from date information is uploaded to *voter registration database*, 1.18.370.73 NMAC

E. Confidentiality: Portions of this record may be confidential.

F. Data input: documents used as input for the *voter registration database* are filed in the corresponding *affidavit of voter registration file*, 1.19.3.121 NMAC.

G. Output: Because the *third party voter registration agent database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. Information from this database is uploaded to the *voter registration database*, 1.18.370.73 NMAC.

[1.18.370.74 NMAC - Rp, 1.18.370.296 NMAC, 01/05/2014]

1.18.370.75 - 1.18.370.76 [RESERVED]

1.18.370.77 NATIVE AMERICAN ELECTION INFORMATION FILES:

A. Program: elections

B. Maintenance system: chronological by election year, then alphabetical by pueblo name

C. Description: records of voter education and outreach for tribal constituents. Files may include tribal resolutions, audio and video advertisements, newspaper advertisements and notices, copies of contracts, correspondence, etc.

D. Retention: 10 years from date of election in which outreach completed, then transfer to archives for review and final disposition

[1.18.370.77 NMAC - N, 01/05/2014]

1.18.370.78 - 1.18.370.80 [RESERVED]

1.18.370.81 CONFIDENTIAL ADDRESS PROGRAM FILE:

A. Program: elections

B. Maintenance system: chronological by date, then alphabetical by surname

C. Description: records documenting the application and issuance of a substitute address for mail received on behalf of victims of domestic abuse requiring a confidential address for purposes of safety. File may include application, applicant information form, checklist for applicant, copy of application receipt, copies of confidential address program signature cards, copy of identification cards, copy of police reports, copy of court orders, copy of restraining orders, correspondence, etc.

D. Retention: five years from date of withdrawal from program

E. Confidentiality: This record is confidential.

[1.18.370.81 NMAC - N, 01/05/2014]

1.18.370.82 - 1.18.370.84 [RESERVED]

1.18.370.85 UNIFORM ATHLETE AGENT FILES:

A. Program: athletic representation

B. Maintenance system: chronological by date, then alphabetical by agent's surname

C. Description: records documenting the application and certification history of athlete agents to represent student athletes. Files may include application, copy of certificate, official copy of transcripts, copy of training certificates, copy of background check results, correspondence, etc.

D. Retention: five years from date of withdrawal, expiration or revocation

E. Confidentiality: Portions of this record may be confidential.

[1.18.370.85 NMAC - N, 01/05/2014]

1.18.370.86 - 1.18.370.99 [RESERVED]

1.18.370.100 ENROLLED AND ENGROSSED BILLS, MEMORIALS, RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS:

A. Program: legislation

B. Maintenance system: chronological by date, then numerical by chapter

C. Description: legislative bills, memorials, resolutions and constitutional amendments signed by the governor.

D. Retention: permanent, transfer to archives one year from date signed by the governor

[1.18.370.100 NMAC - Rp, 1.18.370.218 NMAC, 01/05/2014]

1.18.370.101 GOVERNOR VETOED AND POCKET VETOED BILLS FILE:

A. Program: legislation

B. Maintenance system: chronological by date, then numerical by bill number

C. Description: bills vetoed by the governor as well as bills submitted to the governor where no action was taken. File may include original vetoed bill, executive message and original pocket vetoed bill, etc.

D. Retention:

(1) **Vetoed bills:** permanent, transfer to archives one year from date of veto

(2) **Pocket vetoed bills:** one year from date of legislative adjournment, then transfer to archives for review and final disposition

[1.18.370.101 NMAC - Rp, 1.18.370.216 NMAC, 01/05/2014]

1.18.370.102 KILLED BILLS:

- A. **Program:** legislation
- B. **Maintenance system:** chronological by date, then numerical by bill number
- C. **Description:** bills introduced to the legislature not acted upon by date of legislative adjournment.
- D. **Retention:** one year from date of legislative adjournment, then transfer to archives for review and

final disposition

[1.18.370.102 NMAC - Rp, 1.18.370.217 NMAC, 01/05/2014]

1.18.370.103 HOUSE AND SENATE JOURNALS:

- A. **Program:** legislation
- B. **Maintenance system:** chronological by date
- C. **Description:** journals documenting daily proceedings of the house and senate during the legislative session. Journal may show bills introduced, history of amendments made, chapter bill vetoes, minutes of sessions or meetings, tally of votes for or against bills introduced, copy of publications by the legislative council, etc.
- D. **Retention:** permanent, transfer to archives one year from date of legislative session adjournment

[1.18.370.103 NMAC - Rp, 1.18.370.219 NMAC, 01/05/2014]

1.18.370.104 - 1.18.370.149 [RESERVED]

1.18.370.150 EXECUTIVE RECORD:

- A. **Program:** business services
- B. **Maintenance system:** chronological by date
- C. **Description:** governor issued executive orders, proclamations, appointments, certificates of pardon, renditions and requisitions for fugitives and inmates.
- D. **Retention:** permanent, transfer to archives one year from close of calendar year

[1.18.370.150 NMAC - Rp, 1.18.370.301 NMAC, 01/05/2014]

1.18.370.151 APOSTILLE DATABASE:

- A. **Program:** business services
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database tracks and maintains information regarding apostille requests for notarized document authentications. Data may include requestor's name, notary's name, document type, etc.
- D. **Data retention:** permanent
- E. **Input:** all documents used as input for the *apostille database* are returned to requestor.
- F. **Output:** Because the *apostille database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity.

[1.18.370.151 NMAC - N, 01/05/2014]

1.18.370.152 APPOINTED OFFICIALS OATH OF OFFICE FILES:

- A. **Program:** business services
- B. **Maintenance system:** chronological by date, then alphabetical by surname
- C. **Description:** oath of office filed with the secretary of state by an appointed official. File includes oath of office.
- D. **Retention:** two years from date of appointment expiration, then transfer to archives for review and final disposition

[1.18.370.152 NMAC - Rp, 1.18.370.302 NMAC, 01/05/2014]

1.18.370.153 - 1.18.370.159 [RESERVED]

1.18.370.160 FACSIMILE SIGNATURE FILES:

- A. **Program:** business services
- B. **Maintenance system:** chronological by date, then alphabetical by public officer surname
- C. **Description:** records documenting facsimile signatures (e.g. name stamps or seals) which serve in place of a manual signature of a public officer. Files may include facsimile signature affidavits, correspondence, etc.

D. Retention: 10 years from date public official is no longer authorized, then transfer to archives for review and final disposition
[1.18.370.160 NMAC - Rp, 1.18.370.303 NMAC, 01/05/2014]

1.18.370.161 FACSIMILE SIGNATURE DATABASE:

A. Program: business services
B. Maintenance system: numerical by primary key
C. Description: database maintains information regarding facsimile signatures filed with the secretary of state. Data may include signee's name, date, etc.
D. Data retention: permanent
E. Input: all records used as input for the *facsimile signature database* are filed in the corresponding *facsimile signature files*, 1.18.370.160 NMAC.
F. Output: Because the *facsimile signature database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity. Some of the reports may include the following facsimile signature listing, etc.
[1.18.370.161 NMAC - N, 01/05/2014]

1.18.370.162 PUBLIC UTILITY FILING OR SIMILAR SECURITY INSTRUMENT FILES:

A. Program: business services
B. Maintenance system: chronological by date, then numerical by identification number
C. Description: records documenting the security of the payment of bonds or other obligations issued by any public utility, rural electric cooperative, telephone company or railroad. Files may include mortgage, deed of trust, security agreement or similar security interest, amendments, correspondence, etc.
D. Retention: permanent (active records will be maintained on-site)
[1.18.370.162 NMAC - Rp, 1.18.370.304 NMAC, 01/05/2014]

1.18.370.163 AGRICULTURAL EFFECTIVE FINANCING STATEMENT FILES:

A. Program: business services
B. Maintenance system: chronological by date, then numerical by sequence number
C. Description: records documenting the filing of a security interest in farm products used as collateral. Files may include effective financing statement, amendments, effective financing statement continuation or termination, correspondence, etc.
D. Retention: five years from date of expiration or termination
E. Confidentiality: Portions of this record may be confidential.
[1.18.370.163 NMAC - Rp, 1.18.370.312 NMAC, 01/05/2014]

1.18.370.164 AGRICULTURAL BUYER REGISTRATION FORMS:

A. Program: business services
B. Maintenance system: chronological by date, then alphabetical by buyer name
C. Description: records documenting requests for quarterly listing of agricultural effective financing statements filed with the secretary of state. Form may show buyer's name, address, product, report type and special lists requested.
D. Retention: two years from close of calendar year in which registration received
E. Confidentiality: Portions of this record may be confidential.
[1.18.370.164 NMAC - Rp, 1.18.370.313 NMAC, 01/05/2014]

1.18.370.165 AGRICULTURAL EFFECTIVE FINANCING STATEMENT DATABASE:

A. Program: business services
B. Maintenance system: numerical by primary key
C. Description: database tracks and maintains information regarding effective financing statements filed with the secretary of state as well as information for those requesting quarterly reports of EFSs filed with the state. Data may include name of debtor, products subject to security interests, name of primary secured party, name of secondary secured party, buyer registration data, etc.
D. Data retention:
(1) **Agricultural effective financing statements data:** five years from date of expiration or termination

(2) **Agricultural buyer registration data:** two years from close of calendar year in which registration received

E. Input: all documents used as input for the *agricultural buyer registration database* are filed in the corresponding *agricultural effective financing statement files*, 1.18.370.163 NMAC and *agricultural buyer registration forms*, 1.18.370.164 NMAC.

F. Output: Because the *agricultural buyer registration database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity. Some of the reports may include the following *EFS quarterly report*, etc.
[1.18.370.165 NMAC - N, 01/05/2014]

1.18.370.166 UNIFORM COMMERCIAL CODE FINANCING STATEMENT FILES:

A. Program: business services

B. Maintenance system: chronological by date

C. Description: records documenting UCC finance statements of items of value used as collateral filed with the secretary of state. Portions of this record are input to the *uniform commercial code financing statement database*, 1.18.370.167 NMAC. Files may include UCC financing statement, amendments, continuation, assignment or termination, correspondence, etc.

D. Retention: five years from date of expiration or termination
[1.18.370.166 NMAC - Rp, 1.18.370.314, 320 & 321 NMAC, 01/05/2014]

1.18.370.167 UNIFORM COMMERCIAL CODE FINANCING STATEMENT DATABASE:

A. Program: business services

B. Maintenance system: numerical by primary key

C. Description: database tracks and maintains information regarding filing of UCC financing statements. Data may include debtor and secured party's name, file number, description of collateral by type or name, date of continuation, date of amendment, date of termination, etc.

D. Data retention: five years from date of expiration or termination

E. Input: all documents used as input for the *uniform commercial code financing statement database* are filed in the corresponding *uniform commercial code statement files*, 1.18.370.166 NMAC.

F. Output: Because the *uniform commercial code financing statement database* is a data-based system, required and ad hoc reports may be generated upon request or on demand. When produced, these reports are forwarded to the requesting entity.
[1.18.370.167 NMAC - N, 01/05/2014]

1.18.370.168 PARTNERSHIP REGISTRATION FILES:

A. Program: business services

B. Maintenance system: chronological by date, then numerical by file number

C. Description: records documenting domestic and foreign general, limited, limited liability and limited liability limited partnerships registered with the secretary of state. This record is input to the *partnership database* 1.18.370.169 NMAC. Files may include partnership documentation, copy of registration certificate issued, amendments, mergers, conversions, cancellations, correspondence, etc.

D. Retention: 25 years from date partnership is cancelled, then transfer to archives for review and final disposition
[1.18.370.168 NMAC - Rp, 1.18.370.310 & 325 NMAC, 01/05/2014]

1.18.370.169 PARTNERSHIP DATABASE:

A. Program: business services

B. Maintenance system: numerical by primary key

C. Description: database tracks and maintains information regarding partnerships. Data may include partnership information (e.g., registrant name, address, etc.), etc.

D. Data retention: permanent

E. Input: all documents used as input for the *partnership database* are filed in the corresponding *partnership registration files*, 1.18.370.168 NMAC.

F. Output: Because the *partnership database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity. Some of the reports may include the following: foreign and domestic partnerships listing, etc.

[1.18.370.169 NMAC - N, 01/05/2014]

1.18.370.170 TRADEMARK AND SERVICE MARK REGISTRATION FILES:

- A. **Program:** business services
- B. **Maintenance system:** chronological by date, then numerical by sequence number
- C. **Description:** records documenting the application, issuance and history of trademark and service mark registrations. Portions of this record are input to the *trademark and service mark database*, 1.18.370.171 NMAC. Files may include application for registration of trademark or service mark, copy of certificate of registration, specimens, assignment of registration, application for registrant name change, correspondence, etc.
- D. **Retention:** permanent, transfer to archives 10 years from date of trademark or service mark expiration or withdrawal

[1.18.370.170 NMAC - Rp, 1.18.370.305, 323 & 324 NMAC, 01/05/2014]
[rejected applications are returned for resubmittal]

1.18.370.171 TRADEMARK AND SERVICE MARK DATABASE:

- A. **Program:** business services
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database tracks and maintains information regarding trademark and service mark registrations. Data may include registrant information, trademark and service mark assignments, registrant name change, mark to be registered, place of distribution, description of goods or services in each class of trademark or service mark used, trademark and service mark status, etc.
- D. **Data retention:** permanent
- E. **Input:** all documents used as input for the *trademark and service mark database* are filed in the corresponding *trademark and service mark registration files*, 1.18.370.170 NMAC.
- F. **Output:** Because the *trademark and service mark database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity.

[1.18.370.171 NMAC - N, 01/05/2014]

1.18.370.172 TRADING STAMP COMPANY REGISTRATION FILES:

- A. **Program:** business services
- B. **Maintenance system:** chronological by date, then alphabetical by company
- C. **Description:** records documenting the registration of trading stamp companies doing business in the state. Files may include samples of stamps, stamp collection books, stamp redemption catalogues, redemption and distribution agreements forms, copy of registration from state of origin and current bonds, correspondence, etc.
- D. **Retention:** three years from date of expiration, then transfer to archives for review and final disposition

[1.18.370.172 NMAC - Rp, 1.18.370.307 NMAC, 01/05/2014]

1.18.370.173 SOIL AND WATER CONSERVATION DISTRICT CERTIFICATION FILES:

- A. **Program:** business services
- B. **Maintenance system:** chronological by date, then alphabetical by conservation district
- C. **Description:** records documenting the certification and amendatory history of soil and water conservation districts. Files may include application for certification, maps documenting geographical boundaries, amendments, copy of district certification, correspondence, etc.
- D. **Retention:** permanent (active records will be maintained on-site)

[1.18.370.173 NMAC - Rp, 1.18.370.309 NMAC, 01/05/2014]

1.18.370.174 SERVICE OF PROCESS FILES:

- A. **Program:** business services
- B. **Maintenance system:** chronological by date
- C. **Description:** records documenting service of process served on domestic and foreign limited liability companies, corporations, etc. Files may include copy of acceptance of service certificate, copy of summons and complaints, copy of affidavits, correspondence, etc.
- D. **Retention:** five years from date acceptance of service certificate

[1.18.370.174 NMAC - Rp, 1.18.370.306 NMAC, 01/05/2014]

1.18.370.175 NOTARY PUBLIC FILES:

A. Program: business services
B. Maintenance system: chronological by date
C. Description: records documenting the application for a notary public commission. Portions of these records are input to the *notary public files database*, 1.18.370.176 NMAC. Files may include notary public application, copy of power of attorney, surety bond, change of address, name change application, notice of resignation of commission, etc.

D. Retention: 15 years from date of resignation or revocation, then transfer to archives for review and final disposition

[1.18.370.175 NMAC - Rp, 1.18.370.311 & 322 NMAC, 01/05/2014]

1.18.370.176 NOTARY PUBLIC DATABASE:

A. Program: business services
B. Maintenance system: numerical by primary key
C. Description: database tracks and maintains information regarding notary public commission issuance and history. Data may include notary public application information (e.g., applicant name, address, etc.), bond information, name change, change of address, etc.

D. Data retention: permanent

E. Input: all documents used as input for the *notary public database* are filed in the corresponding *notary public files*, 1.18.370.175 NMAC.

F. Output: Because the *notary public database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request. When produced, these reports are forwarded to the requesting entity.

[1.18.370.176 NMAC - N, 01/05/2014]

1.18.370.177 RAILROAD PEACE OFFICER APPOINTMENT FILES:

A. Program: business services
B. Maintenance system: chronological by date
C. Description: records documenting individuals appointed and commissioned to serve as a railroad peace officer. Files may include copy of training certificate, copy of peace officer card, copy of current bond, etc.

D. Retention: two years from date of commission termination

[1.18.370.177 NMAC - Rp, 1.18.370.308 NMAC, 01/05/2014]

1.18.370.178 - 1.18.370.199 [RESERVED]

1.18.370.200 CORPORATION DATA SYSTEM:

A. Program: corporations
B. Maintenance system: numerical by primary key
C. Description: system tracks all information regarding corporations registered in New Mexico. Data may include corporate report information, director name, corporate names, registered names, reserved names, payment information, comments, etc.

D. Data retention: permanent

E. Confidentiality: Portions of this record may be confidential.

F. Input: All documents used as input for the *corporation data system* are filed in *application for corporate name reservation*, 1.18.370.201 NMAC; *application for registration of corporation name*, 1.18.370.202 NMAC and *corporate document files*, 1.18.370.203 NMAC.

G. Output: Because the *corporation data system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include corporate reports list, suspension and renewal report, new corporation list, notices, rejection letters, etc.

[1.18.370.200 NMAC - Rp, 1.18.370.401 NMAC, 01/05/2014]

1.18.370.201 APPLICATION FOR CORPORATE NAME RESERVATION:

A. Program: corporations

B. Maintenance system: chronological by date, then alphabetical by corporate name

C. Description: applications used to reserve a corporate name until incorporation, qualification, or name change occurs or until incorporation documents are filed. Portions of this file are input to the *corporation data system*, 1.18.370.200 NMAC. Application may include applicant name, federal tax identification number, request date, corporate name, applicant mailing address, etc.

D. Retention: 120 days after date approved or rejected

E. Confidentiality: Portions of record may be confidential.

[1.18.370.201 NMAC - Rp, 1.18.370.402 NMAC, 01/05/2014]

1.18.370.202 APPLICATION FOR REGISTRATION OF CORPORATION NAME:

A. Program: corporations

B. Maintenance system: chronological by date, then alphabetical by corporate name

C. Description: applications used by foreign corporations to register and protect their corporate names in New Mexico. Portions of this file are input to the *corporation data system*, 1.18.370.200 NMAC. Application may include renewal or initial application status, begin and end dates of registration, corporation name, incorporation date, business type, federal tax identification number, fees paid, application date, mailing address, etc.

D. Retention: one month after registration expired

E. Confidentiality: Portions of this record may be confidential.

[1.18.370.202 NMAC - Rp, 1.18.370.403 NMAC, 01/05/2014]

1.18.370.203 CORPORATE DOCUMENT FILES:

A. Program: corporations

B. Maintenance system: chronological by transaction date, then numerical by corporation number

C. Description: records concerning corporations conducting business in New Mexico. Portions of this file are input to the *corporation data system*, 1.18.370.200 NMAC. File may include domestic or foreign profit or non-profit corporation status, articles of incorporation, application for certificate of authority, articles of merger, articles of amendment, revocation of statement of intent, application for withdrawal, tax clearance, certificate of revocation, statement of intent, bylaws, articles of dissolution, certificate of organization, suspension of business and renewals, correspondence, etc.

D. Retention: permanent

E. Confidentiality: Portions of record may be confidential.

[1.18.370.203 NMAC - Rp, 1.18.370.404 NMAC, 01/05/2014]

1.18.370.204 CORPORATE REPORTS:

A. Program: corporations

B. Maintenance system: chronological by calendar year, then numerical by batch number

C. Description: report that list the fees owed to secretary of state from foreign and domestic profit and non-profit corporations. Report may contain corporation name, address of principal place of business, state or country of incorporation, fees collected, registered agent and office located within New Mexico, names and addresses of all officers and directors of the corporation, federal identification number, etc.

D. Retention: five calendar years after report is created

E. Confidentiality: Portions of record may be confidential.

[1.18.370.204 NMAC - Rp, 1.18.370.405 NMAC, 01/05/2014]

1.18.370.205 POSTAL RETURN RECEIPT CARDS:

A. Program: corporations

B. Maintenance system: chronological by card date

C. Description: record of return postal receipt that verifies secretary of state correspondence. Card may include corporate address, signature of individual receiving card, postmark, etc.

D. Retention: six months after close of calendar year in which created

[1.18.370.205 NMAC - Rp, 1.18.370.406 NMAC, 01/05/2014]

HISTORY OF 1.18.370 NMAC:

Pre-NMAC Filing History: The material in this part was derived from that previously filed with the State Records Center under:

SRC Rule 67-6, Records Retention and Disposition Schedule for Secretary of State, filed 4/4/67,

SRC Rule 68-4, Records Retention and Disposition Schedule for Secretary of State, filed 8/14/68,

SRC Rule 70-19, Records Retention and Disposition Schedule for Secretary of State, filed 12/18/70,
SRC Rule 75-25, Records Retention and Disposition Schedule for Secretary of State, filed 11/13/75,
SRC Rule 80-2, Retention and Disposition Schedule for the Office of the Secretary of State, filed 4/25/80,
SRC Rule 87-07, Retention and Disposition Schedule for Secretary of State, filed 12/11/87.

History of NMAC Material:

1 NMAC 3.93.370, Records Retention and Disposition Schedule for Secretary of State, filed 6/19/95.

History of Repealed Material:

1 NMAC 3.2.93.370, Records Retention and Disposition Schedule for Secretary of State, 4/18/97 - repealed,
12/15/2000.

1.18.370 NMAC, ERRDS, Secretary of State, filed 03/12/2002 - Repealed, 01/05/2014