



Referendum: What you need to know.

Sponsored by:

New Mexico Election Transparency Network (NMET)

April 2023

Rules Governing Referendums

01. New Mexico Constitution

Article IV , Sec. 1..”The people reserve the power to disapprove, suspend and annul any law enacted by the legislature,...”

02. Section 1-17-3. NMSA (1978)

Referendum petitions; solicitor of signatures; duty.

03. Section 1-17-4. NMSA (1978)

Referendum petitions; penalty.

04. NM Stat § 30-27-4 (2021)

Securing signature to petition by unlawful means.

05. Section 1.10.24.8 NMAC (2004)

Signer is a qualified elector, but not a registered voter.

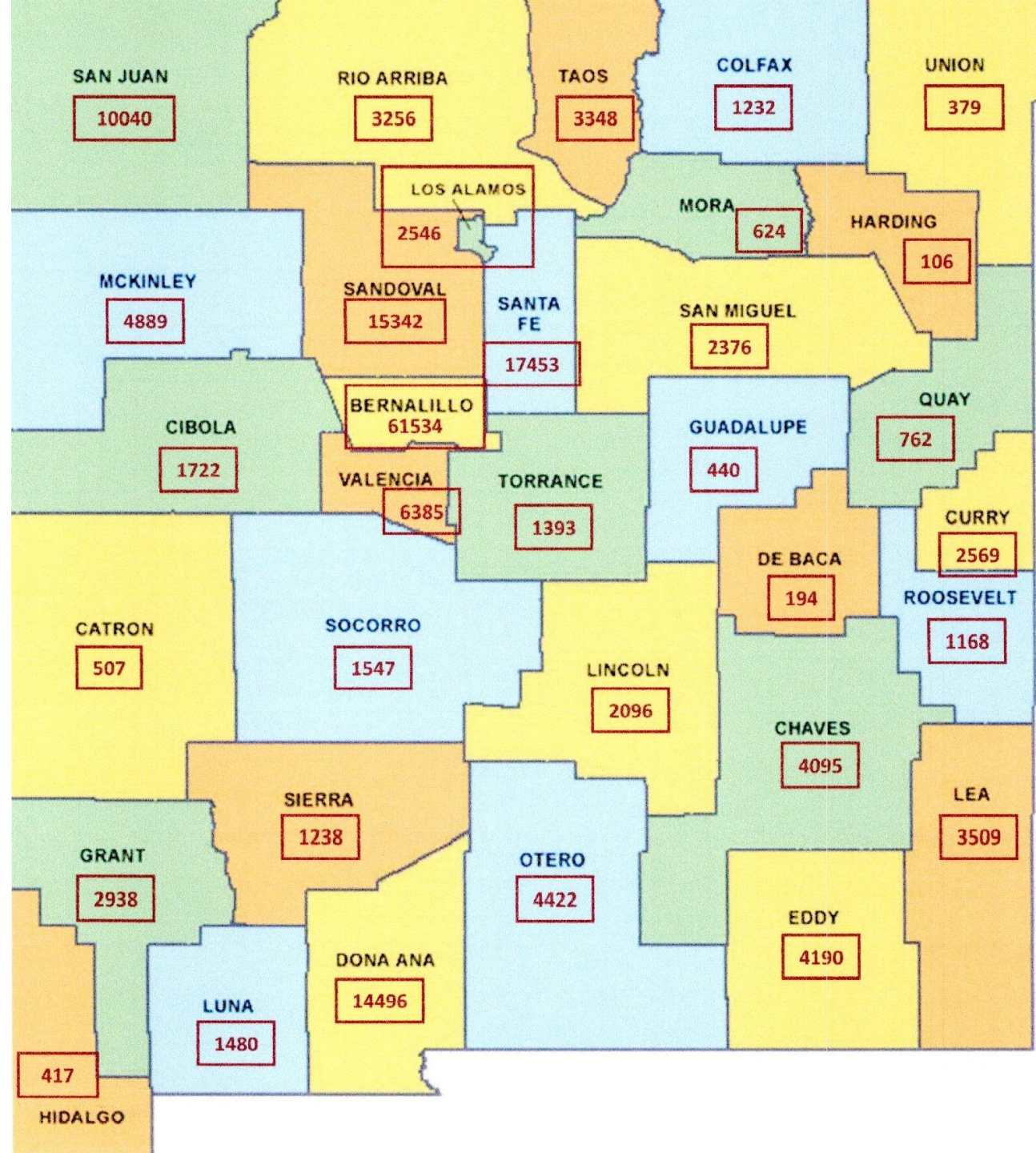


Introduction

You are about to embark on a historic journey of great public importance.

A fight for transparency and security in our elections.

A fight for parent's rights, community rights and the right of babies and children to live their lives as they were created.



Timeline

March 20, 2023

First petitions filed with the SOS office for HB 7. Still waiting for others to be signed and chaptered.

May 2023

Concentrate on collecting signatures for 5 separate petitions. HB 7, SB 13, SB 397, HB 4 & SB 180.

April 2023

File petition for referendum for SB 13, SB 397, HB 4 & SB 180. Begin collecting signatures on each petition after the form of the petition is approved by the Secretary of State.

June 16, 2023

All signatures for the petitions must be turned in to the Secretary of State to prevent the bills from becoming law.



New Mexico Constitution:

Article IV, Section 1

“The people reserve the power to disapprove, suspend and annul any law enacted by the legislature,... Petitions disapproving any law other than those above excepted, enacted at the last preceding session of the legislature, ... If such petition or petitions be signed by not less than twenty-five per centum of the qualified electors under each of the foregoing conditions and be filed with the secretary of state within ninety days after the adjournment of the session of the legislature at which such law was enacted, the operation thereof shall be thereupon suspended and the question of its approval or rejection shall be likewise submitted to a vote at the next ensuing general election. If a majority of the votes cast thereon and not less than forty per centum of the total number of votes cast at such general election be cast for its rejection, it shall be thereby annulled; ...”

1-17-4 NMSA (1978) Referendum petitions: penalty

Captains

- Ensure all volunteers are trained.
- Have copies of the bills available.
- Have the constitution and statutes available for reference.

Volunteers (Solicitor of Signature)

- Verify signers only sign their own name.
- Verify signers have only signed each petition once.
- Verify only qualified electors in each county sign the petitions.
- Have copies of the bills available.

4th degree felony for any person, on a petition for referendum, to:

- Sign any name other than his own,...;
- Sign his name more than once on the same petition.
- Sign as a qualified elector on a county petition in which they do not live.
- Knowingly misrepresent the purpose and effect of the petition or law...

1-17-7. NMSA (1978) Referendum petitions; false certification; penalty.

Petition Certificate

- The petition certificate is located on the back of every petition and must be signed by the volunteer (Solicitor of Signatures) obtaining signatures.
- Volunteers (Solicitor of Signatures) certify the signatures were signed in their presence; to the best of their knowledge and belief each signature is genuine; and the person signing is a qualified elector in the county named.

Penalty

- “Falsely certifying to the statements contained in the certificate required of persons soliciting signatures on a referendum petition is a fourth-degree felony.”

NM Stat § 30-27-4 (2021)

Securing signature to petition by unlawful means consists of securing the signature of any person to any petition now or hereafter provided for by the laws of this state, by paying or promising to pay the signer anything of value, direct or indirect, or by securing such signature by force, threats or intimidation or by forging or copying the names of any person to such petition.

Whoever commits securing signature to petition by unlawful means is guilty of a misdemeanor.

[1.10.24.8 NMAC – N, 04-15-2004]

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

(A copy of their drivers license, or gov. issued ID, attached to the petition will be sufficient.)

Summary

County Captains Responsibility

- Distribute and Collect the petitions for their county.
- Verify volunteers have been trained.
- Verify eligibility of signer after petition turned in.
- Maintain running total for the county.
- Help coordinate volunteers if needed.

Volunteers (Solicitor of Signatures)

- Educate the people on the Bills.
- Verify eligibility.
- Collect signatures for the petitions.
- Return all signed petitions to the county captain.

Minimum Goal for Signatures

- 178,689 statewide.
- Check your county to see your minimum requirement.

Constitution and Statutes regulating referendums

- NM Constitution Article IV, Sec. 1
- 1-17-3. NMSA (1978)
- 1-17-4. NMSA (1978)
- 1.10.24.8 NMAC (2004)
- 30-27-4 NMSA (2021)

We together can and will make a difference.



Thank you

Thanks to everyone who is volunteering to help with this historic effort.

We together can and will make a difference.

NMET Network

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