



PERA

Public Employees
Retirement Association
of New Mexico

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EMPLOYEE EXCLUSION FROM PERA MEMBERSHIP ELECTED OFFICIAL FORM

Instructions: Please print or type in dark ink. The original of this form must be completed in its entirety and returned to PERA for processing. Required fields are in **BOLD ITALICS**

ELECTED OFFICIAL INFORMATION TYPE OR PRINT CLEARLY			
<i>SOCIAL SECURITY NUMBER or PERA ID NUMBER</i>			
<i>FIRST NAME</i>	<i>MI</i>	<i>LAST NAME</i>	
<i>MAILING ADDRESS</i>		<i>HOME or CELL TELEPHONE NO.</i>	
		BUSINESS TELEPHONE NO.	
<i>CITY</i>	<i>STATE</i>	<i>ZIP</i>	<i>GENDER</i> <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE
<i>CURRENT MARITAL STATUS (Check One)</i> <input type="checkbox"/> NEVER BEEN MARRIED <input type="checkbox"/> MARRIED <input type="checkbox"/> DIVORCED <input type="checkbox"/> WIDOWED			
<i>DATE OF BIRTH</i>	<i>CITY OF BIRTH</i>	<i>STATE OF BIRTH</i>	
<p>I was elected to the following office; _____, which term is to be from _____ through _____, with the above named employer, hereby apply for exclusion from membership in the Public Employees Retirement Association of New Mexico in accordance with NMSA 1978, Section 10-11-3(B)(2004) which provides for exclusion from PERA membership for:</p> <p style="text-align: center;">“...elected officials who file with the association a written application for exemption from membership within twenty-four (24) months of taking office.”</p> <p>For Judges, Justices or Magistrates please use the <i>Employee Exclusion From Membership Judge or Magistrate</i> form.</p>			
ELECTED OFFICIAL CERTIFICATION			
<p>I understand that I may at any time withdraw this exclusion and become a pera member by filing an <i>application for pera membership form</i>, but that the excluded service as an elected official will never be considered as credited service for retirement purposes. I also understand that I may not receive a refund of my member contributions until the term of office is completed or until I resign my elected official position.</p>			
<i>SIGNATURE OF ELECTED OFFICIAL</i>			<i>DATE</i>
CURRENT EMPLOYMENT INFORMATION TO BE COMPLETED BY EMPLOYER			
<i>NAME OF EMPLOYER</i>			
<i>MAILING ADDRESS</i>			
<i>CITY</i>		<i>STATE</i>	<i>ZIP</i>
<i>DATE EMPLOYED</i> (mm/dd/ccyy)		<i>TERMINATION DATE</i> (mm/dd/ccyy)	
<i>CURRENT POSITION</i>		<i>EMPLOYER NUMBER</i>	
EMPLOYER CERTIFICATION			
<i>AUTHORIZED SIGNATURE</i>		<i>DATE OF SIGNATURE</i> (mm/dd/ccyy)	
<i>TITLE</i>		<i>BUSINESS TELEPHONE NO.</i>	



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Guidelines for Completing Employee Exclusion From PERA Membership – Elected Official Form

NMSA 1978, Section 10-11-3 (2004). Membership; requirements; exclusions; termination. (Public Employees Retirement Act)

- A. “..... each employee and ***elected official*** of every affiliated public employer shall be a member of the association, ***unless excluded from membership*** in accordance with Subsection B of this section.”
- B. The following employees and ***elected officials*** are *excluded from membership* in the association:
- 1) ***elected officials*** who file with the association a written application for exemption from membership within twenty-four (24) months of taking office;
 - 2) ***elected officials*** who file with the association a written application for exemption from membership within twenty-four (24) months of the date the elected official’s public employer becomes an affiliated public employer;
- D. An exemption from membership by an ***elected official*** shall expire at the end of the term of office for which filed.
- E. “..... ***elected officials*** who have exempted themselves from membership may subsequently withdraw the exemption by filing a membership application. Membership shall commence the first day of the first pay period following the date the application is filed.”
- F. “The membership of an ***elected official*** shall cease if the ***elected official*** leaves office.... or the ***elected official*** requests and receives a refund of member contributions.”

Opinions From The State Attorney General’s Office Related To Exclusions Of Elected Officials:

1989 Op. Att’y Gen. No. 89-25

Person appointed to fill an unexpired term of an *elected official* may exempt himself from membership in the association for the remainder of that term.

An “*appointee*” to an elective office is an “*elected official*” for the purposes of Subsection B’s membership exemption option.