

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/07

SPONSOR Gardner LAST UPDATED 2/28/07 HB 748/aHVEC

SHORT TITLE Election Nominating Petition Invalidation SB _____

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General's Office (AGO)

No Responses Received From
Secretary of State (SoS)

SUMMARY

Synopsis of HVEC Amendment

The House Voters and Elections Committee amendment adds that a nominating petition and all signatures are invalid if the petition is altered to change county, candidate name or the office for which the candidate seeks nomination after the petition is signed by a person.

Synopsis of Original Bill

The bill amends Section 1-8-31 NMSA 1978 of the Election Code by providing that *all* signatures on a nominating petition are invalid if the petition is altered to change the office for which the candidate seeks nomination after the petition is signed by a person.

SIGNIFICANT ISSUES

According to the Attorney General's Office, currently, Section 1-8-31 NMSA does not explicitly state that altering a nominating petition to change the office for which the candidate seeks election, after a person has signed the petition, invalidates that signature. However, in Gardner

v. Tucker and Rebecca Vigil-Giron, the State Supreme Court and Fifth Judicial District Court stated that it would be presumptively invalid because to do otherwise would violate the intent of the signor. This bill would amend Section 1-8-31 NMSA to explicitly invalidate not only those signatures acquired before the alteration occurred but also those after the alteration occurred. As a result, the rights of the signators, who wanted to nominate the candidate for office, and who signed after the alteration occurred will be affected.

EO/nt